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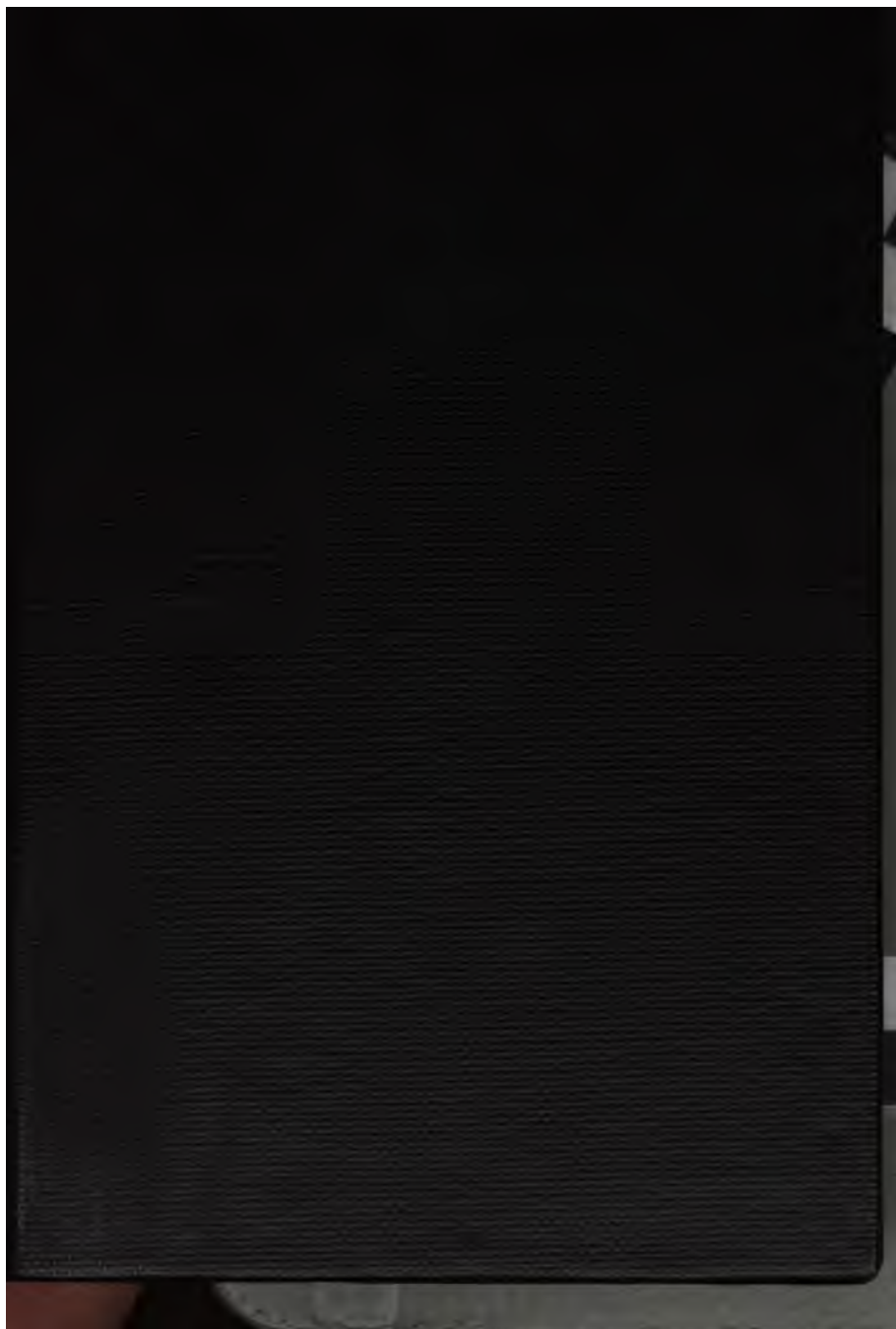
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EXTRACTS FROM THE NAVIGATION

ACTS. 1645-1696.

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COLONIAL AND CONSTITUTIONAL.

No. 19.—JANUARY, 1895.

EXTRACTS FROM THE NAVIGATION ACTS, 1645-1696.

This number contains the more important portions of the acts passed for the regulation of British trade in the seventeenth century. The act of 7th and 8th William III. substantially completed the system as far as the colonies were concerned, as the later navigation acts were devoted to the somewhat illusory attempt of perfecting the machinery to prevent evasions of these acts. Besides these general Navigation Acts there were many acts designed to regulate the colonial trade in some specific commodity. It is hoped to give in a later number extracts from some of them.

These extracts are taken from Scobell's *Ordinances*, edition of 1658, and from the *Statutes of the Realm*, printed in 1810-24 under the direction of the Royal Record Commission. The notes to these latter extracts show the different readings of the several MSS. The letter "O" refers to the original MS. from which the enrolled statute was prepared—the latter being followed in the text of the work.

The acts of each session of Parliament are combined into one statute and cited as the statute passed in a certain year of the reign of the monarch, each act forming a chapter. In the case of Charles II., the years of his reign were enumerated from the day of his father's death. In this way the First Navigation Act, passed in 1660, stands on the statute book as the 12th Charles II., chapter 18. As it was passed by a Parliament which had not

it ~~is~~ Ordained by the said Lords and Commons, that all Merchandizes, Goods and necessities, which shall be for the supportation, use, and expence of the said several Plantations, shall, or may be exported thither from this Kingdom by any of the Subjects thereof, without paying or yielding any Custom, Subsidy, Taxation, Imposition, or other duty for the same; The duty of Excise excepted during the space of three years next ensuing, except unto the Plantations, in new-found Lands; provided, That from time to time, as any such Merchandize and Goods be endeavoured to be exported for the use aforesaid, security be first given to the Commissioners and Officers of the Customs where such Goods shall be laden, that the said Merchandizes and Goods so to be exported by vertue of this Ordinance shall be really transported to the said foreign Plantations, and no other places, and there to be employed for the only use of the Plantations; and that Certificate shall be returned from thence within one year after the lading thereof, of the Ships arrival, and discharge in said foreign Plantations. And for that there is great want of servants in the said Plantations, as well for the raising of commodities apt to be produced there, as for defence of themselves from being made a prey to the Natives, or foreign enemies; Be it further Ordained by the said Lords and Commons, That it shall be lawful for any person or persons, Subjects of this Kingdom, to entertain, and transport from hence into the said several Plantations such persons being fit to serve, or advance the Trade there, as shall be willing to serve, or to be employed in the said several foreign Plantations, provided, that the names of all such persons so to be transported to serve in the said Plantations, be first Registered in the Custom-house, and that neither force be used to take up any such servants, nor any Apprentises entised to desert their Masters, nor any Children under age admitted without express consent of their Parents. And provided also, that certificate within one year be returned from the Governour, or other chief Officer of such Plantation, where such person shall be put on shore of the arrival of the said persons there, that no fraud be used to carry any such persons to any other place: Provided *nevertheless*, that none of the said Plantations do suffer or permit

any Ship, Bark, or Vessel to take in any goods of the growth of the said Plantations from any of their Ports, and carry them to any foreign parts and places, except in English Bottomes: And in case any of the said Plantations shall offend herein, then the Plantation so offending, shall be excluded from the benefit of this Ordinance, and shall pay custome as other Merchants do to France, Spain, Holland, and other foreign parts.—Scobell, *Ordinances*, Part I., p. 113.

1649. ORDINANCE OF 1649.

ANNO 1649, CAP. 54.—*The Importing of any Wines, Wooll, or Silk from the Kingdom of France, prohibited.*

The Parliament of England taking notice of a late Declaration of the French King verified in the Parliament at Paris, whereby are prohibited all Negotiations to bring, or cause to be brought into that Kingdom, the Drapery of Wooll or of Silk made in England, on pain of Confiscation and other great Penalties; and that by force of that Declaration, divers Goods of great value of English Merchants there found, hath been seized, and are detained from the true Proprietors thereof, notwithstanding several Clauses in the Treaty, between the two Nations, for encouraging the English trade there: And being induced by the grounds of common Equity and Reason, and by their own Duty, to provide for the Interest and good of this Commonwealth, have thought fit to Enact, and be it Enacted by Authority of Parliament, That all Wines of the growth of the Kingdom of France, or any Dominions belonging to the same, and all Manufactures of Wooll and Silk, made or to be made in the Kingdom of France, or any of the Dominions belonging to the French King, shall be and are hereby prohibited to be brought into any Port or Ports, place or places within England or Ireland, or any of the Dominions thereof, by any person or persons whatsoever, from and after the Seventh day of September, One thousand six hundred forty nine, on pain of Confiscation of the Ship and Goods therein imported contrary to this Act, and the Penalty of Two hundred pounds

more to be levied on every person offending contrary to this Act; the one moyety of the Forfeiture to be to the party that shall inform of any breach of this Act, and the other moyety of the Forfeiture to the use of the Commonwealth, to be recovered in any of the Courts of Record at Westminster. —Scobell, *Ordinances*, Part II., p. 86.

1651, OCTOBER 9. ORDINANCE OF 1651.

ANNO 1651, CAP. 22.—*Goods from Foreign parts by whom to be imported.*

For the Increase of the Shipping and the Encouragement of the Navigation of this Nation, which under the good Providence and Protection of God, is so great a means of the Welfare and Safety of this Commonwealth; Be it Enacted by this present Parliament, and the Authority thereof, That from and after the First day of December, One thousand six hundred fifty and one, and from thence forwards, no Goods or Commodities whatsoever, of the Growth, Production or Manufacture of Asia, Africa or America, or of any part thereof; or of any Islands belonging to them, or any of them, or which are described or laid down in the usual Maps or Cards of those places, as well of the English Plantations as others, shall be Imported or brought into this Commonwealth of England, or into Ireland, or any other Lands, Islands, Plantations or Territories to this Commonwealth belonging, or in their Possession, in any other Ship or Ships, Vessel or Vessels whatsoever, but onely in such as do truly and without fraud belong onely to the People of this Commonwealth, or the Plantations thereof, as the Proprietors or right Owners thereof; and whereof the Master and Mariners are also for the most part of them, of the People of this Commonwealth, under the penalty of the forfeiture and loss of all the Goods that shall be Imported contrary to this Act; as also of the Ship (with all her Tackle, Guns and Apparel) in which the said Goods or Commodities shall be so brought in and Imported; the one moyety to the use of the Commonwealth, and the other moyety to the use and behoof of any person or persons who shall seize the said Goods or Com-

modities, and shall prosecute the same in any Court of Record within this Commonwealth.

And it is further Enacted by the Authority aforesaid, That no Goods or Commodities of the Growth, Production or Manufacture of Europe, or of any part thereof, shall after the First day of December, One thousand six hundred fifty and one, be imported or brought into this Commonwealth of England, or into Ireland, or any other Lands, Islands, Plantations or Territories to this Commonwealth belonging, or in their possession, in any Ship or Ships, Vessel or Vessels whatsoever, but in such as do truly and without fraud belong onely to the people of this Commonwealth, as the true Owners and Proprietors thereof, and in no other, except onely such Forein Ships and Vessels as do truly and properly belong to the people of that Countrey or Place, of which the said Goods are the Growth, Production or Manufacture; or to such Ports where the said Goods can onely be, or most usually are first shipped for Transportation; And that under the same penalty of forfeiture and loss expressed in the former Branch of this Act, the said Forfeitures to be recovered and employed as is therein expressed.

And it is further Enacted by the Authority aforesaid, that no Goods or Commodities that are of Forein Growth, Production or Manufacture, and which are to be brought into this Commonwealth, in Shipping belonging to the People thereof, shall be by them Shipped or brought from any other place or places, Countrey or Countreys, but onely from those of their said Growth, Production or Manufacture; or from those Ports where the said Goods and Commodities can onely, or are, or usually have been first shipped for Transportation; and from none other Places or Countreys, under the same penalty of forfeiture and loss expressed in the first Branch of this Act, the said Forfeitures to be recovered and employed as is therein expressed.

And it is further Enacted by the Authority aforesaid, That no sort of Cod-fish, Ling, Herring, Pilchard, or any other kinde of salted Fish, usually fished for and caught by the people of this Nation; nor any Oyl made, or that shall be made of any kinde of Fish whatsoever; nor any Whale-fins, or Whale-bones, shall from henceforth be Imported into this

Commonwealth, or into Ireland, or any other Lands, Islands, Plantations, or Territories thereto belonging, or in their possession, but onely such as shall be caught in Vessels that do or shall truly and properly belong to the people of this Nation, as Proprietors and Right Owners thereof: And the said Fish to be cured, and the Oyl aforesaid made by the people of this Commonwealth, under the penalty and loss expressed in the said first Branch of this present Act; the said Forfeit to be recovered and imployed as is there expressed.

And it is further Enacted by the Authority aforesaid, That no sort of Cod, Ling, Herring, Pilchard, or any other kinde of Salted Fish whatsoever, which shall be caught and cured by the people of this Commonwealth, shall be from and after the First day of February, One thousand six hundred fifty three, exported from any place or places belonging to this Commonwealth, in any other Ship or Ships, Vessel or Vessels, save onely in such as do truly and properly appertain to the people of this Commonwealth, as Right Owners; and whereof the Master and Mariners are for the most part of them English, under the penalty and loss expressed in the said first Branch of this present Act; the said forfeit to be recovered and imployed as is there expressed.

Provided always, That this Act, nor anything therein contained, extend not, or be meant to restrain the Importation of any of the Commodities of the Straights or Levant Seas, loaden in the Shipping of this Nation as aforesaid, at the usual Ports or places for lading of them heretofore, within the said Straights or Levant Seas, though the said Commodities be not of the very Growth of the said places.

Provided also, That this Act nor any thing therein contained, extend not, nor be meant to restrain the Importing of any East-India Commodities loaden in the Shipping of this Nation, at the usual Port or places for Lading of them heretofore in any part of those Seas, to the Southward and Eastward of Capo Bona Esperanza, although the said Ports be not the very places of their Growth.

Provided also, That it shall and may be lawful to and for any of the People of this Commonwealth, in Vessels or Ships *to them belonging*, and whereof the Master and Mariners are

of this Nation as aforesaid, to load and bring in from any of the Ports of Spain and Portugal, all sorts of Goods or Commodities that have come from, or any way belonged unto the Plantations or Dominions of either of them respectively.

Be it also further Enacted by the authority aforesaid, That from henceforth it shall not be lawful to any person or persons whatsoever, to load or cause to be loaden and carryed in any Bottom or Bottoms, Ship or Ships, Vessel or Vessels whatsoever, whereof any Stranger or Strangers born (unless such as be Denizens or Naturalized) be Owners, part Owners or Master, any Fish, Victual, Wares, or things of what kinde or nature soever the same shall be, from one Port or Creek of this Commonwealth, to another Port or Creek of the same, under penalty to every one that shall offend contrary to the true meaning of this Branch of this present Act, to forfeit all the Goods that shall be so laden or carried, as also the Ship upon which they shall be so laden or carried, the same Forfeit to be recovered and employed as directed in the First Branch of this present Act.

. Lastly, That this Act nor any thing therein contained, extend not to Bullion, nor yet to any Goods taken, or that shall be taken by way of Reprizal by any Ship or Ships, having Commission from this Commonwealth.

Provided, That this Act, or any thing therein contained, shall not extend, nor be construed to extend to any Silk or Silk-wares which shall be brought by Land from any parts of Italy, and there bought with the proceed of English Commodities, sold either for money or in Barter; but that it shall and may be lawful for any of the People of this Commonwealth to ship the same in English Vessels from Ostend, Newport, Rotterdam, Middleburgh, Amsterdam, or any Ports thereabouts; the Owners and Proprietors first making Oath by themselves, or other credible Witness, before the Commissioners of the Customs for the time being, or their Deputies, or one of the Barons of the Exchequer, that the Goods aforesaid were so bought for his or their own proper accompt in Italy.—Scobell, *Ordinances*, Part II., p. 176.

1660. THE FIRST NAVIGATION ACT.

1660. 12° CAR. II., C. 18.—*An Act for the Encourageing and increasing of Shipping and Navigation.*

§ I. For the increase of Shipping and incouragement of the Navigation of this Nation, wherein under the good providence and protection of God the Wealth Safety and Strength of this Kingdome is soe much concerned Bee it Enacted by the Kings most Excellent Majesty and by the Lords and Cōmons in this present Parliament assembled and the Authoritie therof That from and after the First day of December One thousand six hundred and sixty and from thence forward noe Goods or Commodities whatsoever shall be Imported into or Exported out of any Lands Iselands Plantations or Territories to his Majesty belonging or in his possession or which may hereafter belong unto or be in the possession of His Majesty His Heires and Successors in Asia Africa or America in any other Ship or Ships Vessell or Vessells whatsoever but in such Ships or Vessells as doe truly and without fraude belong onely to the people of England or Ireland Dominion of Wales or Towne of Berwicke upon Tweede, or are of the built of, and belonging to any of the said Lands Islands Plantations or Territories as the Proprietors and right Owners therof and wherof the Master and three fourthes of the Marriners at least are English under the penalty of the Forfeiture and Losse of all the Goods and Commodities which shall be Imported into, or Exported out of, any the aforesaid places in any other Ship or Vessell, as alsoe of the Ship or Vessell with all its Guns Furniture Tackle Ammunition and Apparell, one third part thereof to his Majesty his Heires and Successors, one third part to the Governour of such Land Plantation Island or Territory where such default shall be committed in case the said Ship or Goods be there seised, or otherwise that third part alsoe to his Majesty his Heires and Successors, and the other third
rt to him or them who shall Seize Informe or sue for the

same in any Court of Record by Bill Information Plaint or other Action wherein noe Essoigne Protection or Wager of Law shall be allowed, And all Admiralls and other Commanders at Sea of any the Ships of War or other Ship having Comission from His Majesty or from his Heires or Successors are hereby authorized and strictly required to seize and bring in as prize all such Ships or Vessells as shall have offended contrary hereunto and deliver them to the Court of Admiralty there to be proceeded against and in case of condemnation one moyety of such Forfeitures shall be to the use of such Admiralls or Commanders and their Companies to be divided and proportioned amongst them according to the Rules and Orders of the Sea in [cases *] of Ships taken prize, and the other moyety to the use of his Majesty his Heires and Successors.

§ III. And it is further Enacted by the Authority aforesaid that noe Goods or Commodities whatsoever of the growth production or manufacture of Africa Asia or America or of any part thereof, or which are discribed or laid downe in the usuall Maps or Cards of those places be Imported into England Ireland or Wales Islands of Guernsey or Jersey or Towne of Berwicke upon Tweede in any other Ship or Ships Vessell or Vessels whatsoever, but in such as doe truely and without fraude belong onely to the people of England or Ireland, Dominion of Wales or Towne of Berwicke upon Tweede or of the Lands Islands Plantations or Territories in Asia Africa or America to his Majesty belonging as the proprietors and right owners therof, and wherof the Master and three fourthes at least of the Mariners are English under the penalty of the forfeiture of all such Goods and Commodities, and of the Ship or Vessel in which they were Imported with all her Guns Tackle Furniture Ammunition and Apparell, one moyety to his Majesty his Heires and Successors, and the other moyety to him or them whoe shall Seize Inform or Sue for the same in any Court of Record by Bill Information Plaint or other Action wherein noe Essoigne Protection or Wager in Law shall be allowed.

§ IV. And it is further Enacted by the Authority aforesaid that noe Goods or Commodities that are of forreigne growth production or manufacture and which are to be brought into England Ireland Wales, the Islands of Guernsey & Jersey or Towne of Berwicke upon Tweede in English built shipping, or other shipping belonging to some of the aforesaid places, and navigated by English Mariners as above-said shall be shipped or brought from any other place or Places, Country or Countries but onely from those of their said Growth Production or Manufacture, or from those Ports where the said Goods and Commodities can onely or are or usually have beene first shipped for transportation and from none other Places or Countries under the penalty of the forfeiture of all such of the aforesaid Goods as shall be Imported from any other place or Country contrary to the true intent and meaning hereof, as alsoe of the ship in which they were imported with all her Guns Furniture Ammunition Tackle and Apparel, one Moyety to His Majesty His Heires and Successors and the other Moyety to him or them that shall seize informe or sue for the same in any Court of Record to be recovered as is before exprest.

§ V. And it is further Enacted by the Authority aforesaid That any sort of Ling Stockefish Pilchard, or any other kinde of dried or salted fish usually fished for and caught by the people of England Ireland Wales or Towne of Berwicke upon Tweede, or any sort of Codfish or Herring, or any Oyle or Blubber made or that shall be made of any kinde of Fish whatsoever, or any Whale fines or Whale bones which shall be imported into England Ireland Wales or Towne of Berwicke upon Tweede not haveing beene caught in Vessels truly and properly belonging thereunto as Proprietors and right Owners thereof and the said Fish cured saved or dried, and the Oyle and Blubber aforesaid (which shall be accompted and pay as oyle) not made by the people thereof, and shall be imported into England Ireland or Wales or Towne of Berwicke upon Tweede shall pay double Aliens custome.

§ VI. And be it further Enacted by the Authority aforesaid That from henceforth it shall not be lawfull to any person or persons whatsoever to Load or cause to be Loaden

and carried in any Bottome or Bottomes Ship or Ships Vessel or Vessels whatsoever wherof any Stranger or Strangers borne (unlesse such as [shall *] bee Denizens or Naturalized) be Owners part Owners or Master and wherof three Fourthes of the Mariners at least shall not be English any Fish Victuall Wares Goods Commodities or [Goods †] of what kinde or Nature soever the same shall be from one Port or Creeke of England Ireland Wales Islands of Guernsey or Jersey or Towne of Berwicke upon Tweede to another Port or Creeke of the same or of any of them under penalty for every one that shall offend contrary to the true meaning of this branch of this present Act to forfeit all such goods as shall be loaden and carried in any such Ship or Vessel together with the Ship or Vessel with all her Guns Ammunition Tackle Furniture and Apparel, one moyety to His Majesty His Heires and Successors and the other moyety to him or them that shall Informe Seize or Sue for the same in any Court of Record to be recovered in manner aforesaid.

[§ VII. Abatement, &c. in the Book of Rates allowed only where the Master and Three Fourths of the Mariners be English.]

[§ VIII. Goods of the Growth or Manufacture of Muscovy or Russia, and of the Turkish Empire, and other Goods herein mentioned, to be imported in English Ships, and manned as aforesaid.]

[§ IX. What Goods deemed Aliens' Goods, and pay Aliens' Duties.]

[§ X. In what Case and by what Means Foreign built Ships shall be deemed English Ships.

Oaths of Purchase of such Ship for a valuable Consideration, and other Particulars.

On Oath taken, Certificate under Hand and Seal of Officer.

Officer to keep Register of Certificates, and return Duplicates to Customs in London.]

[§ XI. Officers of the Customs allowing Privilege to any Foreign-built Ship until Certificate or Proof, &c.

* O. omits.

† Things O.

Governors of Plantations, &c. suffering Foreign-built Ships to load, &c. without Certificate.

Penalty.]

[§ XII., p. 249. Proviso for Goods of the Streights or Levant.]

[§ XIII. Proviso for Importation of East India Commodities as to Growth.]

[§ XIV. Proviso for Goods imported from Spain, Portugal, Azores, Madeira, or Canary Islands.]

[§ XV. Proviso for Bullion and Goods taken by way of Reprisal.]

[§ XVI. Proviso concerning Corn, Salt, and Fish of Scotland;

and for Seal Oil of Russia.]

[§ XVII. The Duty payable upon Goods in French Ships, and on their taking in and setting on Shore Passengers.

How long to continue.]

§ XVIII. And it is further Enacted by the Authority aforesaid That from and after the first day of Aprill which shall be in the yeare of our Lord One thousand six hundred sixty one noe Sugars Tobaccho Cotton Wool Indicoes Ginger Fustick or other dyeing wood of the Growth Production or Manufacture of any English Plantations in America Asia or Africa shall be shipped carryed conveyed or transported from any of the said English Plantations to any Land Island Territory Portt or place whatsoever other then to such (*) English Plantations as doe belong to His Majesty His Heires and Successors or to the Kingdome of England or Ireland or Principallity of Wales or Towne of Berwicke upon Tweede there to be laid on shore under the penalty of the Forfeiture of the said Goods or the full value thereof, as alsoe of the Ship with all her Guns Tackle Apparel Ammunition and Furniture, the one moyety to the Kings Majesty His Heires and Successors, and the other moyety to him or them that shal seize informe or sue for the same in any Court of Record by Bil Plaint or Information wherein noe Essoigne Protection or Wager of Law shall be allowed.

* Other O.

[§ XIX. Ships sailing from England, Ireland, or Wales to English Plantations, bound according to Tonnage with Sureties, to bring Goods there loaded into England, &c.]

Ships coming from any other Port to the Plantations, Governors to take such Bond, or Certificate that such Bond has been given in England;

Penalty.

Governors to return Bonds taken Twice yearly to Customs in London.]—*Statutes of the Realm*, V., 246.

1661. THE CONFIRMATORY ACT.

A. D. 1661. 13^o CAR. II., C. 14.—*An Act for Confirming an Act Entituled An Act for encouraging and encreasing of Shipping and Navigation and severall other Acts both publique and private mentioned therein.*

Whereas during the late difficulties and exigencies of affaires in the absence of His most Excellent Majestie and in reference to His return from beyond the Seas into these His Majesties Dominions The Lords and Commons being assembled att Westminster the five and twentieth day of Aprill in the twelfth yeare of His Majesties Reigne were from thence and after his Majesties returne continued untill the nine and twentieth day of December then next following and now last past and then dissolved by his Majestie In which time severall Acts were passed by his Majesty by and with the advice & consent of the [said*] Lords and Commons assembled as aforesaid which being of necessary use are fitt to be continued and confirmed although the manner of the said assembling enforced by the difficulties and exigencies aforesaid which then lay upon the Nation is not to bee drawne into example Bee it therefore Enacted by the Kings most Excellent Majesty by and with the advice and consent of the Lords and Commons in this present Parliament assembled and by the Authority of the same That all and singular the Acts made or mentioned to be made by his said Majesty by and with the advice or [consents†] of the Lords and Commons upon or since the said five and twentieth day

* Interlined on the Roll.

† Consent. O.

of Aprill herein after particularly mençoned and expressed (that is to say) One Act Entituled An Act for the encouraging and encreasing of Shipping and Navigation One other Act Entituled An Act for Prohibiting the Exportation of Wool Wool Fells Fullers Earth or any kind of Scouring Earth One other Act Entituled An Act empowering the Master of the Rolls for the time being to make Leases for yeares in order to new build the old Houses belonging to the Rolls One other Act Entituled An Act for prohibiting the planting setting or sowing of Tobacco in England and Ireland . . . And all and every the Clauses Sentences and Articles in them and every of them contained shall be and [are hereby ratified] and confirmed and enacted and declared to have the full force and strength of Acts of Parliament according to the tenor and purport thereof and soe shall be adjudged deemed and taken to all intents and purposes whatsoever and as if the same had beene made declared and exacted by Authority of this present Parliament.—*Statutes of the Realm*, V., p. 316.

1662. EXPLANATORY ACT.

A. D. 1662. 14^o CAR. II., C. 11.—*An Act for preventing Frauds and regulating Abuses in His Majesties Customes.*

§ V. And that no Forreign built ship (that is to say) not built in any of His Majesties Dominions of Asia Africa or America or other then such as shall (bona fide) be bought before the First of October One thousand six hundred sixty and two next ensuing and expresly named in the said List shall enjoye the priviledge of a Ship belonging to England or Ireland although owned or manned by English (except such Ships only as shall be taken at Sea by Letters of Mart or Reprizal and Condemnation made in the Court of Admiralty as lawfull Prize (but all such Ships shall be deemed as Aliens Ships and be liable unto all Duties that Aliens Ships are liable unto by vertue of the said Act for encrease of Shipping and Navigation And whereas it is required by the said Act that

in sundry cases the Master and three fourths of the Mariners are to be English it is to be understood that any of His Majesties Subjects of England Ireland and His Plantations are to bee accounted English and no others and that the number of Mariners be accounted according to what they shall have been during the whole Voyage.—*Statutes of the Realm*, V., p. 394.

1663. THE SECOND NAVIGATION ACT.

A. D. 1663. 15^o CAR. II., c. 7.—*An Act for the Encouragement of Trade.*

§ IV. And in regard his Majesties Plantations beyond the Seas are enhabited and peopled by his Subjects of this His Kingdome of England, For the maintaining a greater correspondence and kindnesse betweene them and keepeing them in a firmer dependance upon it, and rendring them yet more beneficiall and advantagious unto it in the farther Employment and Encrease of English Shipping and Seamen, vent of English Woollen and other Manufactures and Commodities rendring the Navigation to and from the same more safe and cheape, and makeing this Kingdome a Staple not onely of the Commodities of those Plantations but alsoe of the Commodities of other Countreyes and Places for the supplying of them, and it being the usage of other Nations to keepe their [Plantations*] Trade to themselves, Be it enacted and it is hereby enacted That from and after the Five and twentyeth day of March One thousand six hundred sixtie fower noe Commoditie of the Growth Production or Manufacture of Europe shall be imported into any Land Island Plantation Colony Territory or Place to His Majestie belonging, or which shall [belong hereafter †] unto, or be in the Possession of His Majestie His Heires and Successors in Asia Africa or America (Tangier onely excepted) but what shall be bona fide and without fraud laden and shipped in England Wales [and ‡] the Towne of Berwicke upon Tweede.

* Plantation O. † Hereafter belong. O. ‡ Or. O.

and in English built Shipping, or which were bona fide bought before the first day of October One thousand six hundred sixtie and two and had such Certificate thereof as is directed in one Act passed the last Sessions of this present Parliament entitled An Act for preventing Frauds and regulating Abuses in His Majesties Customes, and whereof the Master and three Fourthes of the Marriners at least are English, and which shall be carryed directly thence to the said Lands Islands Plantations Colonies Territories or Places, and from noe other place or places whatsoever Any Law Statute or Usage to the contrary notwithstanding, under the Penaltie of the losse of all such Commodities of the Growth, Production or Manufacture of Europe as shall be imported into any of them from any other Place whatsoever by Land or Water, and if by Water, of the Ship, or Vessell alsoe in which they were imported with all her Guns Tackle Furniture Ammunition and Apparell, one third parte to His Majestie His Heires and Successors, one third part to the Governour of such Land Island Plantation Colony Territory or Place into which such Goods were imported if the said Shipp, Vessell or Goods be there seised, or informed against and sued for, or otherwise that Third part alsoe to His Majestie His Heires and Successors, and the other Third parte to him or them who shall seise inform or sue for the same in any of His Majesties Courts in such of the said Lands Islands Colonies Plantations Territories or Places where the Offence was committed, or in any Court of Record in England by Bill, Information Plaint or other Action wherein noe Essoyne Protection or Wager in Law shall be allowed

§ V. Provided alwayes and be it hereby enacted by the Authoritie aforesaid That it shall and may be lawfull to shipp and lade in such Shipp, and soe navigated as in the foregoing clause is sett downe and expressed in any part of Europe Salt for the Fisheries of New England and New found land, and to shipp and lade in the Medera's Wines of the Growth thereof, and to shipp and lade in the Western Islands or Azores Wines of the Growth of the said Islands, and to shipp [or *] take in Servants or Horses in Scotland or

* And O.

Ireland, and to shipp or lade in Scotland all sorts of Victuall of the Growth or Production of Scotland, and to shipp or lade in Ireland all sortes of Victuall of the Growth or Production of Ireland, and the same to transport into any of the said Lands Islands Plantations Colonyes Territories or Places, Any thing in the foregoing Clause in the contrary in any wise notwithstanding.

§ VI. And for the better prevention of Fraudes Be it enacted and it is hereby enacted That from and after the Five and twentyeth day of March One thousand six hundred sixty and fower every person or persons importing by land any Goods or Commodities whatsoever into any the said Lands Islands Plantations Colonies Territories or Places shall deliver to the Governour of such Land Island Plantation Colony Territory or Place, or to such Person or Officer as shall be by him thereunto authorized and appointed within fower and twenty hours after such Importation his and their Names and Surnames and a true Inventory and Particular of all such Goods or Commodities, And noe Shipp or Vessell comeing to any such Land Island Plantation Colony Territory or Place shall lade or unlade any Goods or Commodities whatsoever untill the Master or Commander of such Shipp or Vessell shall first have made knowne to the Governour of such Land Island Plantation Colony Territory or Place or such other Person or Officer as shall be by him thereunto authorized and appointed the arrivall of the said Shipp or Vessell with her name, and the name and surname of her Master or Commander, and have shewen to him that she is an English built Shipp, or made good by produceing such Certificate as above said that she is a Shipp or Vessell bona fide belonging to England Wales or the Towne of Berwicke and navigated with an English Master and three fourth parts of the Marriners at least Englishmen and have delivered to such Governour or other Person or Officer a true and perfect Inventory or Invoice of her Ladeing together with the place or places in which the said Goods were laden or taken into the said Shipp or Vessell under the paine of the losse of the Shipp or Vessell with all her Guns Ammunition Tackle Furniture and Apparell and of all such Goods of the Growth Production or Manufacture of Europe as were not bona fide.

laden and taken in, in England Wales or the Towne of Berwicke to be recovered and divided in manner aforesaid, And all such as are Governours or Comanders of any the said Lands Islands Plantations Colonyes Territoryes or Places (Tangier onely excepted) shall before the Five and twentyeth day of March One thousand six hundred sixtie and fower and all such as shall hereafter be made Governours or Comanders of any of them shall before their entrance upon the execution of such trust or charge take a Solemne Oath before such person or persons as shall be authorized by His Majestie His Heires and Successors to administer the same to doe their utmost within their respective Governments or Commands to cause to be well and truely observed what is in this Act enacted in relation to the Trade of such Lands Islands Plantations Colonyes Territoryes and Places under the penaltie of being removed out of their respective Governments and Commands. And if any of them shall be found after the takeing of such Oath to have wittingly and willingly offended contrary to what is by this Act required of them, that they shall for such offence be turned out of their Governments, and be incapable of the Government of any other Land Island Plantation or Colony, and moreover forfeite the summe of One thousand pounds lawfull money of England, the one moyety to His Majesty His Heires and Successors and the other moyetie to him or them that shall informe or sue for the same in any of His Majesties Courts in any of the said Plantations or in any Court of Record in England wherein noe Essoigne Protection or Wager in Law shall be allowed.

§ VII. And it is hereby further enacted That if any Officer of the Customes in England Wales or Towne of Berwicke upon Tweede shall give any Warrant for or suffer any Sugar, Tobaccho, Ginger, Cotton, Wooll, Indico Speckle Wood or Jamaica Wood Fusticke or other Dying Wood of the growth of any of the said Lands Islands Colonyes Plantations Territories or Places to be carryed into any other Country or Place whatsoever untill they have beene first *unladen bona fide* and putt on shore in some Port or Haven in *England or Wales* or in the Towne of Berwicke, that every *such Officer for such Offence* shall forfeite his place and the

value of such of the said Goods as he shall give Warrant for or suffer to passe into any other Country or Place the one moyety to His Majestie His Heires and Successors and the other moyety to him or them that shall informe or sue for the same in any Court of Record in England or Wales wherein no Essoigne Protection or Wager in Law shall be allowed.—*Statutes of the Realm*, V., p. 449.

1672. THE THIRD NAVIGATION ACT.

A. D. 1672. 25^o CAR. II., c. 7.—*An Act for the encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade.*

§ V. And whereas by one Act passed in this present Parlyament in the twelfth yeare of your Majestyes Raigne entituled An Act for (*) encouragement of Shipping and Navigation, and by severall other Lawes passed since that time it is permitted to shipp, carry, convey and transport Sugar, Tobacco, Cotton-wooll, Indicoe, Ginger, Fusticke and all other Dying wood of the Growth, Production and Manufacture of any of your Majestyes Plantations in America, Asia or Africa from the places of their Growth Production and Manufacture to any other of your Majestyes Plantations in those Parts (Tangier onely excepted) and that without paying of Custome for the same either at ladeing or unladeing of the said Commodities by meanes whereof the Trade and Navigation in those Commodities from one Plantation to another is greatly increased, and the Inhabitants of diverse of those Colonies not contenting themselves with being supplied with those Commodities for their owne use free from all Customes (while the Subjects of this your Kingdome of England have paid great Customes and Impositions fu what of them hath beene spent here) but contrary to the expresse Letter of the aforesaid Lawes have brought into divers parts of Europe great quantities thereof, and doe alsoe [dayly†] vend great quantities thereof to the shipping of other Nations who bring them into divers parts of Europe to the great hurt

* The. O.

† Interlined in the Roll.

and diminution of your Majestyes Customes and of the Trade and Navigation of this your Kingdome; For the prevention thereof Wee your Majestyes Commons in Parliament assembled doe pray that it may be enacted And bee it enacted by the King's most excellent Majestie by and with the advice and consent of the Lords Spirituall and Temporall and Commons in this present Parlyament assembled and by authoritie of the same That from and after the first day of September which shall bee in the yeare of our Lord One thousand six hundred seaventy and three If any Shipp or Vessell which by Law may trade in any of your Majesties Plantations shall come to any of them to shipp and take on board any of the aforesaid Commodities, and that Bond shall not be first given with one Sufficient Surety to bring the same to England or Wales or the Towne of Berwicke upon Tweede and to noe other place, and there to unloade and putt the same on shoare (the danger of the Seas onely excepted) that there shall be answered and paid to your Majestie your Heires and Successors for soe much of the said Commodities as shall be laded and putt on board such Shipp or Vessell these following Rates and Dutyes, That is to say

For Sugar White the hundred Weight containing one hundred and twelve pounds five shillings;

And Browne Sugar and Muscavadoes the hundred weight containing one hundred and twelve pounds one shilling and six pence;

For Tobacco the pound one penny;

For Cotton-wooll the pound one halfe-penny;

For Indicoe the pound, two pence;

For Ginger the hundred Weight containing one hundred and twelve pounds one shilling;

For Logwood the hundred Weight containing one hundred and twelve pounds five pounds,

For Fusticke and all other Dying-wood the hundred Weight containing one hundred and twelve pounds six pence;

And alsoe for every pound of Cacao-nutts one penny, to be leavyed collected and paid at such places, and to such Collectors and other Officers as shall be appointed in the respective Plantations to collect, leavy and receive the same before the ladeing thereof and under such Penalties both to

the Officers and upon the Goods as for non-payment of, or defrauding his Majestie of his Customes in England.—*Statutes of the Realm*, V., p. 792.

1695-6. THE COLONIAL NAVIGATION ACT.

A. D. 1695-6. 7° & 8° GUL. III., c. 22.—*An Act for preventing Frauds and regulating Abuses in the Plantation Trade.*

§ I. That after the Five and twentieth Day of March One thousand six hundred ninety eight noe Goods or Merchandizes whatsoever shall bee imported into or exported out of any Colony or Plantation to His Majesty in Asia Africa or America belonging or in his Possession or which may hereafter belong unto or bee in the Possession of His Majesty His Heires or Successors or shall bee laden in or carried from any One Port or Place in the said Colonies or Plantations to any other Port or Place in the same, the Kingdome of England Dominion of Wales or Towne of Berwicke upon Tweed in any Shipp or Bottome but what is or shall bee of the Built of England or of the Built of Ireland or of the said Colonies or Plantations and wholly owned by the People thereof or any of them and navigated with the Masters and Three Fourths of the Mariners of the said Places onely (except such Shippes onely as are or shall bee taken Prize and Condemnation thereof made in one of the Courts of Admiralty in England Ireland or the said Colonies or Plantations [to bee navigated by the Master and Three Fourths of the Mariners English or of the said Plantations as aforesaid and whereof the Property doth belong to English Men *] And alsoe except for the space of Three Yeares such Foreigne built Shippes as shall bee employed by the Commissioners of His Majesties Navy for the tyme being or upon Contract with them in bringing onely Masts Timber and other Navall Stores for the Kings Service from His Majesties Colonies or Plantations to this Kingdome to bee navigated as aforesaid and whereof the Property doth belong to English Men) under paine of For-

* Annexed to the original act in a separate schedule.

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American History Leaflets

COLONIAL AND CONSTITUTIONAL.

EDITED BY

**ALBERT BUSHNELL HART AND EDWARD CHANNING
OF HARVARD UNIVERSITY.**

NO. 20.

MARCH, 1895.

**THE EXACT TEXT OF
THE ARTICLES OF CONFEDERATION
WITH THE
FRANKLIN AND DICKINSON DRAFTS.**

From the Original Manuscripts.

NEW YORK

A. LOVELL & COMPANY

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The Articles of Confederation have been so discredited by the weakness of the country while they were in force, and have been so overshadowed by the later Federal Constitution, that their constitutional history has been neglected. Yet those Articles were a greater advance on the old state of things, than the Constitution was over the Confederation. They defined, by a bold experiment, a federal government in many respects better than any of the European federal systems which had preceded; and a considerable part of the Articles was incorporated by the Convention of 1787 into the new instrument of government.

The first appearance of a systematic plan of a federal government in Franklin's draft of 1775. Franklin had already shown in the Albany Plan of 1754 (Text in American History Leaflet No. 17), his readiness to sketch out a Colonial federal government. As soon as it became evident that the Second Continental Congress would stand by the Massachusetts people in their armed resistance, Franklin foresaw the necessity of a formal Union; and drew up the plan printed below, which was presented to Congress July

21, 1775. In the manuscript journals there is no reference to the submission of the plan, but the manuscript is preserved in the State Department in Franklin's firm and unmistakable hand, with the date of its reception endorsed upon it. From the impossible terms of adjustment which he suggests in the last paragraph, it is clear that he wished to create a permanent and independent Union. The manuscript has several interlineations, one of which—"upon the continent of North America"—is manifestly contradictory to some of the words which follow.

A year later, after the ignoring of the petition of Congress and the steady drifting into a general war, Congress came to see the necessity of both independence and union. On June 11, 1776, a committee was created to draw up a Declaration of Independence; and another committee was provided for to frame the form of a Confederation; the two plans were meant to stand together. The first committee reported on July 1, and its report was adopted July 4. The other reported ten days later in a draft in the handwriting of John Dickinson of Delaware, chairman of the Committee. This draft was printed for the benefit of the members and then underwent searching and repeated debate. Notwithstanding the need of a settled government, it was not adopted by Congress till November 15, 1777, when the Secretary of Congress made up a new draft, including all amendments; and it was therefore submitted to the States for ratification. July 9, 1778, the members then in Congress from States which had already ratified, signed an engrossed roll of the Articles; and, as other States ratified, their members also signed; last of all the delegates from Maryland, March 1, 1781.

The three formal stages in the development of the document are, therefore, Franklin's suggestion (which was evidently before the committee of 1776), Dickinson's committee report, and the amended instrument of 1777, officially engrossed in 1778. The legal date of the instrument is that of the signatures attesting the thirteenth ratification, March 1, 1781.

All the manuscripts are preserved in the archives of the State Department; and by the courtesy of Mr. A. H. Allen, Chief Clerk of the Bureau of Rolls and Library, and of Mr. S. M. Hamilton, in charge of the archives, one of the editors has made up the copy from these manuscripts. Franklin's draft is a little injured, and lacunæ are indicated by [*italics in brackets*]. All other brackets appear in the manuscript. Dickinson's manuscript has been marked over, parts struck out, and later amendments written in, but fortunately, by a comparison with the copy printed for the use of Congress *before the original* was defaced, it is possible to restore it and to correct the *printed copy*. The official Articles of Confederation are in a parchment roll *about ten feet long, the only one existing in the "Bureau of Rolls."* It is

beautifully engrossed and in almost perfect condition. It differs from the Secretary's copy of November 18, 1777, in capitalization and punctuation and a few other minor particulars.

All these documents have been several times printed. Franklin's Draft (a little modernized) is in Spark's edition of *Franklin's Works*, V. 91-96, and in *Secret Journals of Congress*, I. 283-289; Dickinson's Draft in *Secret Journals of Congress*, I. 290-304. The Articles of Confederation are in the *Secret Journals*, I. 387-401, *Revised Statutes*, and Hickey's *Constitution*, where it unwarrantably purports to be an exact transcript of the original; and in many other places.

On the constitutional history of the articles see Richard Frothingham's *Rise of the Republic of the United States*; George Bancroft, *History of the United States* (10 vol. ed.) viii. 53-98, 532, 539, 569-578, ix. 46-51 and *History of the Constitution*; Joseph Story, *Commentaries*, §§ 222-224; George T. Curtis, *History of the Constitution*, I. 114-140; Timothy Pitkin, *History of the United States*, II. ch. xi.; biographies of Franklin, Dickinson, and Washington; H. B. Adams, in *Maryland's Influence upon Land Cessions*.

JULY 21, 1775.—FRANKLIN'S DRAFT.

ARTICLES OF CONFEDERATION

and perpetual Union, ^{entered into}_{proposed} by the Delegates of the several Colonies of New Hampshire [*etc.*] in general Congress met at Philadelphia, May, 10. 1775.

Art. I. The Name of this Confederacy shall henceforth be *The United Colonies of North America*.—

Art. II.

The said United Colonies hereby severally enter into a firm League of Friendship with each other, binding on themselves and their Posterity for their common Defence against their Enemies, for the Security of their Liberties & Property, the Safety of their Persons & Families, & their mutual and general Welfare *

* Franklin appears to have written this passage at first: "for Defence and Offence, the Security of their Liberties & Property, the Safety of their Persons & Families, & their Common and general Welfare."

Art. III.

That each Colony shall enjoy and retain as much as it may think fit of its own present Laws, Customs, Rights, Privileges, and peculiar Jurisdictions within its own Limits; and may amend its own Constitution as shall seem best to its own Assembly or Convention.

Art. IV.

That for the more Convenient Management of general Interests, Delegates shall be annually elected in each Colony to meet in General Congress at such Time and Place as shall be agreed on in the next preceeding Congress. Only where particular Circumstances do not make a Deviation necessary, it is understood to be a Rule, that each succeeding Congress be held in a different Colony till the whole Number be gone through, and so in perpetual Rotation; and that accordingly the next Congress after the present shall be held at Annapolis in Maryland.

Art. V.

That the Power and Duty of the Congress shall extend to Gen. Officers the Determining on War and Peace, the as Treasurer sending & receiving ambassadors, and entering Secry into Alliances, [the Reconciliation with Great Britain;] the settling of all Disputes & Differences between Colony Colony about Limits or any other cause if such should arise; and the Planting of new Colonies: when proper. The Congress shall also make such general Ordinances as tho' necessary to the General Welfare, particular Assemblies cannot be competent to; viz. those that may relate to our general Commerce; or general Currency; to the Establishment of Posts: & the Regulation of our Common Forces. The Congress shall also have the Appointment of all General Officers civil and military, appertaining to the general Confederacy, such as General Treasurer, Secretary, &c.

Art. VI.

All Charges of Wars, and all other general Expences to be incurr'd for the common Welfare, shall be defray'd out

of a common Treasury, which is to be supply'd by each Colony in proportion to its Number of Male Polls between 16 & 60 Years of Age; the Taxes for paying that proportion are to be laid and levied by the Laws of each Colony.

Art. VII.

The Number of Delegates to be elected & sent to the Congress by each Colony, shall be regulated from time to time by the Number of such Polls return'd; so as that one Delegate be allow'd for every [5000] Polls. And the Delegates are to bring with them to every Congress an authenticated Return of the number of Polls in their respective Provinces, which is to be triennially taken, for the Purposes above mentioned.

Art. VIII.

At every Meeting of the Congress One half of the Members return'd exclusive of Proxies be necessary to make a Quorum, and Each Delegate at the Congress, shall have a Vote in all Cases; and if necessarily absent, shall be allowed to appoint any other Delegate from the same Colony to be his Proxy, who may vote for him.

Art. IX.

An executive Council shall be appointed by the Congress out of their own Body, consisting of (12) Persons; of whom in the first Appointment one third, viz. (4), shall be one Year, (4) for two Years, and (4) for three Years; and as the said Terms expire, the Vacancies shall be filled by Appointments for three Years, whereby One Third of the Members will be changed annually. And each Person who has served the said Term of three Years as Counsellor, shall have a Respite of three years, before he can be elected again. This Council (of whom two thirds shall be a Quorum) in the Recess of the Congress is to execute what shall have been enjoin'd thereby; to manage the general continental Business and Interests; to receive Applications from foreign Countries; to prepare Matters for the Consideration of the Congress; to fill up (*Pro tempore*) continental Offices that fall vacant; and to draw on the General Treasurer for such Monies as may be neces-

sary for general Services, appropriated by the Congress to such Services.

Art. X.

No Colony shall engage in an offensive War with any Nation of Indians without the Consent of the Congress, or grand Council above-mentioned, who are first to consider the Justice and Necessity of such War.

Art. XI.

A perpetual Alliance offensive and defensive, is to be entered into as soon as may be with the Six Nations; their Limi[ts] ascertain'd & to be secur'd to them; their Land not to be encroach'd on, nor any private or Colony Purchases made of them hereafter to be held good; nor any Contract for Lands to be made but between the Great Council of the Indians at Onondaga & the General Congress. The Boundaries and Limits of all the other Indians shall also [be] ascertain'd & secur'd to them in the same manner; and Persons appointed to reside among them in proper Districts, who shall take care to prevent Injustice in the Trade with them and be enabled at our general Expence by occasional small Supplies, to relieve their personal Wants and Distresses. And all Purchases from them shall be by the Congress for the General Advantage & Benefit of the United Colonies.

Art. XII

As all new Institutions may have Imperfections which only Time and Experience can discover, it is agreed, that the General Congress from time to time shall propose such Amendments of this Constitution as may be found necessary; which being approv'd by a Majority of the Colony Assemblies shall be equally binding with the rest of the Articles of this Confederation.

Art. XIII

Any and every Colony from Great Britain upon the Continent of North America not at present engag'd in our Association, upon Application and joining the said Association, be receiv'd into this Confederation, viz. [Ireland] the West

India Islands, Quebec, St. Johns, Nova Scotia, Bermudas, & the East & West Floridas: and shall thereupon be entitled to all the Advantages of our Union, mutual Assistance and Commerce.

These Articles shall be propos'd to the several Provincial Conventions or Assemblies, to be by them consider'd, and if approv'd they are advis'd to empower their Delegates to agree to and ratify the same in the ensuing Congress. After which the *Union* thereby establish'd shall continue firm till the Terms of Reconciliation proposed in the Petition of the last Congress to the King are agreed to; till the Acts since made restraining the American Commerce & Fisheries are repeal'd; till Reparation is made for the Injury done to Boston by shutting up its Port; for the Burning of Charlestown; & for the expence of this unjust War; and till all the British Troops are withdrawn from America. On the Arrival of these Events, the Colonies shall return to their former Connection and Friendship with Britain: But on Failure thereof this Confederation is to be perpetual.

[*Endorsement.* *]

Sketch of
Articles of Confederation.

July 75.

Read before Congress

July 21. 1775

—*Manuscript in Papers of the Continental Congress, No. 47, Vol. 1.*

JUNE 11, 1776.—APPOINTMENT OF A COMMITTEE.

Resolved That the committee to prepare the Declaration consist of five members

The members chosen Mr Jefferson Mr J Adams, Mr Franklin Mr Shewrman & Mr R. R. Livingston

Resolved That a committee be appointed to prepare & digest the form of a confederation to be entered into between these colonies.—*Manuscript Journal of Congress, Vol. 3.*

* The first three lines of the endorsement are in the same handwriting as the body of the instrument. The last two lines appear to be in the handwriting of Thompson, Secretary of Congress. A later endorsement is:

"This Sketch in handwriting of Doct Franklin."

JULY 12, 1776.—REPORT OF THE COMMITTEE.

The Committee appointed to prepare articles of confederation brought in a draft which was read.—*Manuscript Journal of Congress, Vol. 3.*

JULY 12, 1776.—DICKINSON'S DRAFT.

Articles of Confederation and perpetual Union between the Colonies of New Hampshire or at Philadelphia the
Day of 1776

— Art. 1st The Name of this Confederacy shall be "The United States of America."

Art. 2^d The said Colonies unite themselves so as never to be divided by any Act whatever, and hereby severally enter into a firm League of Friendship with each other, for their common Defence, the Security of their Liberties, and their mutual and general Welfare, binding the [*said*] Colonies to assist one another against all Force offered to or Attacks made upon them or any of them, on Account of Religion, Sovereignty, Trade, or any other Pretence whatever.

Art. 3^d Each Colony shall retain and enjoy as much of its present Laws, Rights [*and Customs*], as it may think [*fit, and*] reserves to itself the sole and exclusive Regulation and Government of its internal Police, in all Matters that shall not interfere with the Articles of this Confederation.

Art. 4th No Colony or Colonies, without the Consent of the United States assembled shall send any Embassy to or receive any Embassy from, or enter into any Treaty, Convention or Conference with the King or Kingdom of Great-Britain, or any foreign Prince or State, nor shall any Colony or Colonies, nor any Servant or Servants of the United States, or of any Colony or Colonies, accept of any Present Emolument, Office, or Title of any kind whatever, from the King or Kingdom of Great-Britain, or any foreign Prince or State; nor shall the United States assembled, or any Colony grant any Title of Nobility.

Art. 5th No two or more Colonies shall enter into any Treaty, Confederation or Alliance whatever between them, without the previous and free Consent and Allowance of the

United States assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

Art.' 6th The Inhabitants of each Colony shall henceforth always have the same Rights, Liberties, Privileges, Immunities and Advantages, in the other Colonies, which the said Inhabitants now have, in all Cases whatever, except in those provided for by the next following article.

Art.' 7th The Inhabitants of each Colony shall enjoy all the Rights Privileges, Immunities, & Advantages, in Trade Navigation & Commerce, in any other Colony, and in going to & from the same from and to any Part of the World, which the Natives of such Colony [, or any Commercial Society established by its Authority, shall] enjoy.

Art.' 8th Each Colony may assess or lay such Imposts or Duties as it thinks proper, on Importation or Exportations, provided such Imposts or Duties do not interfere with any Stipulations in Treaties hereafter entered into by the United States assembled, with the King or Kingdom of Great-Britain, or any foreign Prince or State.

Art.' 9th No standing Army or Body of Forces shall be kept up by any Colony or Colonies in Time of Peace, except such a Number only as may be requisite to garrison the Forts necessary for the Defence of such Colony or Colonies: But every Colony shall always keep up a well regulated and disciplined Militia, sufficiently armed and accoutred; and shall provide and constantly have ready for Use in public Stores, a due Number of Field Pieces and Tents, & a proper Quantity of Ammunition and Camp Equipage.

Art' 10th When Troops are raised in any of the Colonies for the Common Defence, the Commission Officers. proper for the Troops raised in each Colony, except the General Officers, shall be appointed by the Legislature of each Colony respectively, or in such Manner as shall by them be directed.

Art.' 11th All Charges of Wars and all other Expences that shall be incurred for the Common Defence, or general Wellfare, and allowed by the United States Assembled, shall

be defrayed out of a Common Treasury, which shall be supplied by the several Colonies in Proportion to the Number of Inhabitants of every Age, Sex and Quality, except Indians not paying Taxes in each Colony, a true Account of which [,] distinguishing the white Inhabitants, shall be triennially taken & transmitted to the Assembly of the United States. The Taxes for paying that Proportion shall be laid & levied by the Authority and Direction of the Legislatures of the several Colonies, within the Time agreed upon by the United States assembled.

Art.' 12th Every Colony shall abide by the Determinations of the United States assembled, concerning the Services performed and Losses or Expences incurr'd by every Colony for the Common Defence or General Welfare, and no Colony or Colonies shall in any Case whatever endeavor by Force to procure Redress of any Injury or Injustice supposed to be done by the United States to such Colony or Colonies in not granting such Satisfaction, Indemnifications, Compensation, Retributions, Exemptions or Benefits of any Kind, as such Colony or Colonies may think just or reasonable.

Art.' 13th No Colony or Colonies shall engage in any War without the previous Consent of the United States assembled, unless such Colony or Colonies be actually invaded by Enemies, or shall have received certain Advice of a Resolution being formed by some Nation of Indians to invade such Colony or Colonies, & that Danger is so imminent as not to admit of a Delay, till the other Colonies can be consulted: Nor shall any Colony or Colonies grant Commissions to any Ships or Vessels of War, nor Letters of Marque or Reprisal, except it be after a Declaration of War by the United States assembled, and then only against the Kingdom or State and the Subjects thereof, against which War has been so declared, and under such Regulations as shall be established by the United States assembled.

Art.' 14th No Purchases of Lands hereafter to be made of the Indians by Colonies or private Persons before the Limits of the Colonies are ascertained, to be valid; all purchases of Lands not included within these Limits, when ascertained, to be made by Contracts between the United

States assembled, or by Persons for that Purpose authorized by them, and the great Councils of the Indians, for the general Benefit of all the united Colonies.

Art.' 15th When the Boundaries of any Colony shall be ascertained by Agreement, or in the Manner hereinafter directed, all the other Colonies shall guarantee to such Colony the full & peaceable Possession of and the free and entire Jurisdiction in and over the Territory included within such Boundaries.

Art.' 16th For the more convenient Management of the general Interests of the United States, Delegates shall be annually appointed in such Manner as the Legislature of each Colony shall direct, to meet at the City of Philadelphia, in the Colony of Pennsylvania, untill otherwise ordered by the United States assembled, which Meeting shall be on the first Monday of November in every Year, with a Power reserved to those who appointed the said Delegates respectively to recal them or any of them at any time within the Year, and to send new Delegates in their stead for the Remainder of the Year. Each Colony shall support its own Delegates in a Meeting of the States, and while they act as Members of the Council of State, hereinafter mentioned.

Art.' 17th In determining Questions each Colony shall have one Vote

Art.' 18th The United States assembled, shall have the sole and exclusive Right & Power of determining on Peace and War, except in the Cases mentioned in the thirteenth Article—of establishing Rules for deciding in all Cases, what Captures on Land or Water shall be legal—in what Manner Prizes taken by Land or naval Forces in the Service of the United States shall be divided or appropriated—granting Letters of Marque & Reprisal in Time of Peace—appointing Courts for the Trial of all Crimes Frauds and Piracies committed on the High Seas, or on any navigable River, not within the Body of a County or Parish—establishing Courts for receiving and determining finally Appeals in all Cases of Capture—sending and receiving Ambassadors under any Character.—Entering into Treaties and Alliances.—settling all Disputes and Differences now subsisting or that hereafter may

arise between two or more Colonies concerning Boundaries, Jurisdictions, or any other Cause whatever—coining Money and regulating the Value thereof—regulating the Trade, and managing all Affairs with the Indians—limiting the Bounds of those Colonies, which by Charter or Proclamation, or under any Pretence, are said to extend to the South Sea, and ascertaining these Bounds of any other Colony, that appear to be indeterminate—assigning Territories for new Colonies, either in Lands to be thus separated from Colonies and heretofore purchased or obtained by the Crown of Great Britain from the Indians, or hereafter to be purchased or obtained from them—disposing of all such Lands for the general Benefit of all the United Colonies—ascertaining Boundaries to such new Colonies, within which Forms of Government are to be established on the Principles of Liberty—establishing and regulating Post Offices throughout all the United Colonies, on the Lines of Communication from one Colony to another—appointing General officers of the Land Forces in the Service of the United States—commissioning such other Officer of the said Forces as shall be appointed by Virtue of the tenth Article—appointing all the officers of the naval Forces in the Service of the United States—Making Rules for the Government and Regulation of the said Land and Naval Forces—appointing a Council of State, and such Committees and civil officers as may be necessary for managing the general affairs of the United States, under their Direction while assembled, and in their Recess, of the Council of State—Appointing one of their number to preside, and a suitable person for a secretary.—& adjourning to any Time within the Year.

The United States assembled shall have Authority for the Defence and Welfare of the United Colonies and every of them, to agree upon and fix the necessary Sums and Expences—to emit Bills or to borrow Money on the Credit of the united Colonies—to raise naval Forces—to agree upon the Number of Land Forces to be raised, and to make Requisitions from the Legislatures of each Colony, or the persons therein authorized by the Legislature to execute such Requisitions, for the Quota of each Colony, which is to be in Proportion to the Number of white Inhabitants in that Colony, which Requisitions shall be binding, and thereupon the Legis-

lature of each Colony or the persons authorized as aforesaid, shall appoint the Regimental Officers, raise the Men and arm and equip them in a soldierlike Manner, and the Officers and Men so armed and equip'd shall march to the Place appointed and within the Time agreed on by the United States assembled—

But if the United States assembled shall on Consideration of Circumstances judge proper, that any Colony or Colonies should not raise Men or should raise a smaller Number than the Quota or Quotas of such Colony or Colonies, and that any other Colony or Colonies should raise a greater number of men than the Quota or Quotas thereof, such extra-numbers shall be raised officered, armed and equip'd in the same Manner as the Quota or Quotas of such Colony or Colonies, unless the legislature of such Colony or Colonies respectively, shall judge that such extra-Numbers cannot be safely spared out of the same, in which Case they shall raise officer arm and equip as many of such extra-Numbers as they judge can be safely spared; and the Officers and Men so armed and equip'd shall march to the Place appointed, and within the Time agreed on by the United States assembled.

To establish the same Weights and Measures throughout the United Colonies

But the United States assembled shall never impose or levy any Taxes or Duties, except in managing the Post Offices, nor interfere in the internal Police of any Colony, any farther than such Police may be affected by the Articles of this Confederation. The United States assembled shall never engage the United Colonies in a War, nor grant Letters of Marque and Reprisal in Time of Peace, nor enter into any Treaties or Alliances, nor coin Money nor regulate the Value thereof, nor agree upon nor fix the Sums and Expenses necessary for the Defence and Wellfare of the United Colonies or any of them, nor emit Bills, nor borrow Money on the Credit of the United Colonies, nor raise naval Forces, nor agree upon the Number of Land Forces to be raised, unless the Delegates of nine Colonies freely assent to the same: nor shall a Question on any other Point, except for adjourning, be determined, unless the Delegates of seven Colonies vote in the Affirmative.

No person shall be capable of being a Delegate for more than Three Years in any Term of six Years.

- No person holding any Office under the United States, for which he, or another for his Benefit, receives any Salary Fees or Emolument of any Kind, shall be capable of being a Delegate

The Assembly of the United States to publish the Journal of their proceedings monthly,—except such Parts thereof relating to Treaties, Alliances, or military Operations, as in their Judgment require Secrecy—The Yeas & Nays of the Delegates of each Colony on any Question to be entered on the Journal, when it is desired by any Delegate; and the Delegates of a Colony or any of them, at his or their Request to be furnished with a Transcript of the said Journal, except such Parts as are above excepted, to lay before the Legislatures of the several Colonies.

- Art' 19th The Council of State shall consist of one Delegate from each Colony, to be named annually by the Delegates of each Colony, and where they cannot agree, by the United States assembled.

This Council shall have power,

To receive and open all Letters directed to the United States, and to return proper answers, but not to make any Engagements that shall be binding on the United States—to correspond with the Legislature of every Colony, and all Persons acting under the Authority of the United States, or of the said Legislatures—to apply to such Legislatures, or to the Officers in the several Colonies, who are entrusted with the executive powers of Government, for occasional Aid whenever and wherever necessary—to give Counsel to the Commanding Officers, and to direct military Operations by Sea and Land, not changing any Objects or Expeditions determined on by the United States assembled, unless an Alteration of Circumstances which shall come to the Knowledge of the Council after the Recess of the States, shall make such Change absolutely necessary—to attend to the Defence & Preservation of Forts and strong Posts, and to *prevent the Enemy from acquiring new Holds—to procure Intelligence of the Condition & Designs of the Enemy—to*

expedite the Execution of such Measures as may be resolved on by the United States assembled, in pursuance of the Powers hereby given to them—to draw upon the Treasurers for such Sums as may be appropriated by the United States assembled, and for the Payment of such Contracts as the said Council may make in pursuance of the Powers hereby given to them—to superintend and controul or suspend all officers civil and military acting under the Authority of the United States—in case of the Death or Removal of any Officer within the Appointment of the United States assembled, to employ a person to fulfil the Duties of such Office untill the Assembly of the States Meet to publish & disperse authentic Accounts of military Operations—to summon an Assembly of the States at an earlier Day than that appointed for their next Meeting, if any great & unexpected Emergency should render it necessary for the Safety or Wellfare of the United Colonies or any of them—to prepare Matters for the Consideration of the United States, and to lay before them at their next Meeting all Letters and Advices received by the Council, with a Report of their proceedings to appoint a proper Person for their Clerk, who shall take an Oath of Secrecy and Fidelity before he enters on the Exercise of his Office—Seven Members shall have power to act—In case of the Death of any member, the Council shall immediately apply to his surviving Colleagues to appoint some one of themselves to be a Member thereof till the Meeting of the States, & if only one survives, they shall give him immediate Notice, that he may take his Seat as a Councillor till such Meeting.

Art 20: Canada according to this Confederation, and entirely joining in the Measures of the United Colonies, shall be admitted into and entitled to all the Advantages of this Union: But no other Colony shall be admitted into the same, unless such Admission be agreed to by the Delegates of nine Colonies.

These Articles shall be proposed to the Legislatures of all the United Colonies, to be by them considered, and if approved by them, they are advised to authorize their Delegates to ratify the same in the Assembly of the United States, which being done, the Articles of this Confederation shall inviolable.

be observed by every Colony, and the Union is to be perpetual: Nor shall any Alteration be at any Time hereafter made in these Articles or any of them, unless such Alteration be agreed to in an Assembly of the United States, and be afterward confirmed by the Legislatures of every Colony.

[*Endorsement on the Manuscript*]

Report of Articles
of Confederation

Nov. 15, 1777.—ARTICLES AGREED TO BY
CONGRESS.

A copy of the Confederation being made out and sundry amendments made in the diction without altering the sense the same was agreed to & is as follows:

JULY 9, 1778.—ARTICLES OF CONFEDERATION.

(OFFICIAL ENGROSSED TEXT.)

To all to Whom

these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting. Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of Our Lord One thousand seven Hundred and Seventy seven, and in the second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia in the Words following, viz. "ARTICLES OF CONFEDERATION and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

ARTICLE I. THE Stile of this confederacy shall be "THE UNITED STATES OF AMERICA."

ARTICLE II. EACH state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

ARTICLE III. THE said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. THE better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the Owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the united states, or either of them.

If any Person be guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall upon demand of the Governor or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

FULL faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V. FOR the more convenient management of the general interest of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recal its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the Year.

No state shall be represented in Congress by less than two, nor by more than seven Members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

EACH state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

IN determining questions in the united states, in Congress assembled, each state shall have one vote.

FREEDOM of speech and debate in congress shall not be impeached or questioned in any Court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No state without the Consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King prince or state; nor shall any person holding any office of profit or trust under the united states, or any of ~~them~~, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the united states in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the united states in congress assembled, specifying

accurately the purpose for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the united states in congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be deemed necessary by the united states in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay, till the united states in congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled shall determine otherwise.

ARTICLE VII. WHEN land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state

respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE VIII. ALL charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in congress assembled, shall from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in congress assembled.

ARTICLE IX. THE united states in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

THE united states in congress assembled shall also be the last resort on appeal in all disputes and differences now sub-

sisting or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. WHENEVER the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without shewing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of

the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward:" provided also that no state shall be deprived of territory for the benefit of the united states.

ALL controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the united states, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

THE united states ^{congress} in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the United States—regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated—establishing and regulating post-offices from one state to another, throughout all the united states, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expences of the said office—appointing all officers of the land forces, in the service of the united states, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states—making rules for the government and regulation of the said land and naval forces, and directing their operations.

THE united states in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated "A Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for manage-

ing the general affairs of the united states under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years ; to ascertain the necessary sums of Money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expences—to borrow money, or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted,—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state ; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expence of the united states ; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the united states in congress assembled : But if the united states in congress assembled shall, on consideration of circumstances judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. AND the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

X THE united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borro

money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled.

THE congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the Journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X. THE committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

ARTICLE XI. CANADA acceding to this confederation, and joining in the measures of the united states, *shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.*

ARTICLE XII. ALL bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged.

ARTICLE XIII. EVERY state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. AND the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

And Whereas it hath pleased the Great GOVERNOR of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. **know ye** that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: AND we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said confederation are submitted to them. AND that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. IN WITNESS whereof we have hereunto set our hands in Congress. DONE at Philadelphia in the state of Pennsylvania the ninth Day of July in the Year of our Lord one Thousand seven Hundred and

Seventy eight, and in the third year of the independence of America.

On the part & behalf of the State of Delaware	{ Thos M: Kean Feb 12. 1779 John Dickinson, May 5th 1779 Nicholas VanDyke,	Josiah Bartlett, John Wentworth Junr august 8th 1778	{ on the part & behalf of the State of New Hampshire
on the part and behalf of the State of Maryland	{ John Hanson March 1st 1781 Daniel Carroll. do.	John Hancock. Samuel Adams Elbridge Gerry. Frances Dana James Lovell Samuel Holten.	{ on the part and behalf of the State of Massachusetts Bay
On the Part and Behalf of the State of Virginia	{ Richard Henry Lee John Bannister Thomas Adams Jno Harvie Francis Lightfoot Lee	William Ellery Henry Marchant John Collins	{ On the part and behalf of the State of Rhode-Island and Providence Plantations
on the part and Behalf of the State of No. Carolina	{ John Penn July 21st 1778 Corns Harnett Jno. Williams	Roger Sherman, Samuel Huntington Oliver Wolcott Titus Hosmer Andrew Stearns	{ on the Part and behalf of the State of Connecticut
On the part and behalf of the State of South-Carolina	{ Henry Laurens, William Henry Drayton Jno. Mathews Richd. Hudson Thos. Heyward Junr.	Jas. Duane. Fras. Lewis Wm Duer. Gouv. Morris,	{ On the Part and Behalf of the State of New York
On the part and behalf of the State of Georgia	{ Jno Walton 24th July 1778 Edwd. Telfair. Edwd. Langworthy.	Jno Witherspoon Nath. Scudder	{ On the Part and in Behalf of the State of New Jersey. Novr. 26. 1778
		Robt Morris. Daniel Roberdeau Jon. Bayard Smith William Clingan Joseph Reed. 22d July 1778	{ On the part and behalf of the State of Pennsylvania

—*Manuscript Roll in the Library of the Department of State.*

MARCH 1, 1781.—THE CONFEDERATION COMPLETED.

According to the order of the day the hon^{ble} John Hanson and Daniel Carroll two of the delegates for the state of Maryland in pursuance of the act of the legislature of that state entitled "An Act to empower the delegates of this state in Congress to subscribe and ratify the Articles of *Confederation*" which was read in Congress the 12 of February last and a copy thereof entered on the minutes did in behalf of the said state of Maryland sign and ratify the said

articles, by which act the Confederation of the United States of America was compleated, each and every of the thirteen united states from Newhampshire to Georgia both included having adopted and confirmed and by their delegates in Congress ratified the same.—*Manuscript Journal of Congress*, Vol. 30.

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EDITED BY

ALBERT BUSHNELL HART AND EDWARD CHANNING
OF HARVARD UNIVERSITY.

NO. 21.

MAY, 1895.

THE STAMP ACT,
1765.

NEW YORK
A. LOVELL & COMPANY

1895

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COLONIAL AND CONSTITUTIONAL.

NO. 21.—MAY, 1895.

THE STAMP ACT, 1765.

This number contains the text of the Stamp Act, reprinted word for word, with the exceptions hereafter noted, from a black letter edition published "by authority" in 1765 at London. The Stamp Act is not included in the printed editions of Acts of Parliament, nor in any book accessible to students, except those favored few who have the use of the great libraries of the country. In making this reprint it has not been thought necessary to repeat certain words which recur in the Act from ten to fifty times. These omissions are noted in the usual way, the words omitted can be supplied by turning back a page or two, except in the case of the words italicised in the following sentences, which have been omitted except in the first section of the Act: "*For every skin, or piece of vellum, or parchment, or sheet or piece of paper, on which shall be engraved, written or printed, etc., be it enacted by the authority aforesaid.*" It has been the aim of the editors to preserve the spelling, capitalization, and punctuation of the original printed copy. The only addition made is the insertion, in square brackets, of section numbers before the paragraphs of the Act. For further information see the works of George Bancroft, Hildreth, Gay, Lord Mahon, Adolphus and Massey. The best comprehensive accounts are those of Mellen Chamberlain in the *Narrative and Critical History*, VI; Lecky in his *History of England*, and Richard Frothingham in *The Rise of the Republic of the*

United States. For further references, see Channing and Hart, *Guide to the Study of American History*, § 56, and Winsor, in the "Editorial Notes" to the Judge Chamberlain's chapter, above noted.

THE STAMP ACT.

5 GEO. III. CAP. XII.

Whereas by an Act made in the last Session of Parliament, several Duties were granted, continued, and appropriated, toward defraying the Expenses of defending, protecting, and securing, the British Colonies and Plantations in America : And whereas it is just and necessary, that Provision be made for raising a further Revenue within Your Majesty's Dominions in America, towards defraying the said Expenses : We, Your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain in Parliament assembled, have therefore resolved to give and grant unto Your Majesty the several Rates and Duties here in after mentioned ; and do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of November, One thousand seven hundred and sixty-five, there shall be raised, levied, collected, and paid unto His Majesty, His Heirs, and Successors, throughout the Colonies and Plantations in America which now are, or hereafter may be, under the Dominion of His Majesty, His Heirs, and Successors.

[1.] For every Skin or Piece of Vellum or Parchment, or Sheet or Piece of Paper, on which shall be ingrossed, written, or printed, any Declaration, Plea, Replication, Rejoinder, Demurrer, or other Pleading, or any Copy thereof, in any Court of Law within the British Colonies and Plantations in America, a Stamp Duty of Three Pence.

[2.] For every Skin . . . on which shall be ingrossed . . . any *Special Bail* and Appearance upon Such Bail in *any such Court*, a Stamp Duty of Two Shillings.

[3.] For every Skin . . . on which shall be ingrossed . . . any Petition, Bill, Answer, Claim, Plea, Replication, Rejoinder, Demurrer, or other Pleading in any Court of Chancery or Equity within the said Colonies and Plantations, a Stamp Duty of One Shilling and Six Pence.

[4.] For every Skin . . . on which shall be ingrossed . . . any Copy of any Petition, Bill, Answer, Claim, Plea, Replication, Rejoinder, Demurrer, or other Pleading in any such Court, a Stamp Duty of Three Pence.

[5.] For every Skin . . . on which shall be ingrossed any Monition, Libel, Answer, Allegation, Inventory, or Renunciation in Ecclesiastical Matters, in any Court of Probate, Court of the Ordinary, or other Court exercising Ecclesiastical Jurisdiction within the said Colonies and Plantations, a Stamp Duty of One Shilling.

[6.] For every Skin . . . on which shall be ingrossed, printed, any Copy of any Will (other than the Probate thereof,) Monition, Libel, Answer, Allegation, Inventory, or Renunciation in Ecclesiastical Matters in any such Court, a Stamp Duty of Six Pence.

[7.] For every skin . . . on which shall be ingrossed, any Donation, Presentation, Collation, or Institution of or to any Benefice, for any Writ or Instrument for the like Purpose, or any Register, Entry, Testimonial, or Certificate of any Degree taken in any University, Academy, College, or Seminary of Learning, within the said Colonies and Plantations, a Stamp Duty of Two Pounds.

[8.] For every skin . . . on which shall be ingrossed . . . any Monition, Libel, Claim, Answer, Allegation, Information, Letter of Request, Execution, Renunciation, Inventory, or other Pleading in any Admiralty Court within the said Colonies and Plantations, a Stamp Duty of One Shilling.

[9.] For every Skin . . . on which any Copy of any such Monitions, Libel, Claim, Answer, Allegation, Information, Letter of Request, Execution, Renunciation, Inventory, or other Pleadings shall be ingrossed . . . a Stamp Duty of Six Pence.

[10.] For every Skin . . . on which shall be ingrossed . . . any Appeal, Writ of Error, Writ of Dower,

Ad Quod Damnum, Certiorari, Statute Merchant, Statute Staple, Attestation, or Certificate, by any Officer, or Exemption of any Record or Proceeding in any Court whatsoever within the said Colonies and Plantations (except Appeals, Writs of Error, Certiorari, Attestations, Certificates, and Exemptions, for or relating to the Removal of any Proceedings from before a single Justice of the Peace) a Stamp Duty of Ten Shillings.

[11.] For every Skin . . . on which shall be ingrossed . . . any Writ of Covenant for levying of Fines, Writ of Entry for suffering a Common Recovery, or Attachment issuing out of, or returnable into, any Court within the said Colonies and Plantations, a Stamp Duty of Five Shillings.

[12.] For every Skin . . . on which shall be ingrossed . . . any Judgement, Decree, Sentence, or Dismission, or any Record of *Nisi Prius* or *Postea*, in any Court within the said Colonies and Plantations, a Stamp Duty of Four Shillings.

[13.] For every Skin . . . on which shall be ingrossed . . . any Affidavit, Common Bail or Appearance, Interrogatory Deposition, Rule, Order, or Warrant of any Court, or any *Dedimus Protestatem*, *Capias Subpœna*, Summons, Compulsory Citation, Commission, Recognizance, or any other Writ, Process or Mandate, issuing out of, or returnable into, any Court, or any Office belonging thereto, or any other Proceeding therein whatsoever, or any Copy thereof, or of any Record not herein before charged, within the said Colonies and Plantations (except Warrants relating to Criminal Matters, and Proceedings thereon, or relating thereto) a Stamp Duty of One Shilling.

[14.] For every Skin . . . on which shall be ingrossed . . . any Licence, Appointment, or Admission of any Counsellor, Solicitor, Attorney, Advocate, or Proctor, to practise in any Court, or of any Notary within the said Colonies and Plantations, a Stamp Duty of Ten Pounds.

[15.] For every Skin . . . on which shall be ingrossed . . . any Note or Bill of Lading, which shall be signed for any kind of Goods, Wares, or Merchandise, to be exported from, or any Cocket or Clearance granted within

the said Colonies and Plantations, a Stamp Duty of Four Pence.

[16.] For every Skin . . . on which shall be ingrossed . . . Letters of Mart, or Commission for Private Ships of War, within the said Colonies and Plantations, a Stamp Duty of Twenty Shillings.

[17.] For every Skin . . . on which shall be ingrossed . . . any Grant, Appointment, or Admission of or to any public beneficial Office or Employment, for the Space of One Year, or any lesser Time, of or above the Value of Twenty Pounds *per Annum* Sterling Money, in Salary, Fees, and Perquisites, within the said Colonies and Plantations (except Commissions and Appointments of Officers of the Army, Navy, Ordinance or Militia, of Judges and of Justices of the Peace) a Stamp Duty of Ten Shillings.

[18.] For every Skin . . . on which any Grant of any Liberty, Privilege, or Franchise, under the Seal of any of the said Colonies or Plantations, or under the Seal or Sign Manual of any Governor, Proprietor, or public Officer, alone, or in Conjunction with any other Person or Persons, or with any Council, or any Council and Assembly, or any Exemplification of the Same, shall be ingrossed . . . within the said Colonies and Plantations, a Stamp Duty of Six Pounds.

[19.] For every Skin . . . on which shall be ingrossed . . . any License for retailing of Spirituous Liquors, to be granted to any Person who shall take out the same within the said Colonies and Plantations, a Stamp Duty of Twenty Shillings.

[20.] For every Skin . . . on which shall be ingrossed . . . any Licence for Retailing of Wine, to be granted to any Person who shall not take out a License for retailing of Spirituous Liquors, within the said Colonies and Plantations, a Stamp Duty of Four Pounds.

[21.] For every Skin . . . on which shall be ingrossed . . . License for Retailing of Wine, to be granted to any Person who shall take out a License for Retailing of Spirituous Liquors, within the said Colonies and Plantations, a Stamp Duty of Three Pounds.

[22.] For every Skin . . . on which shall be ingrossed . . . any Probate of a Will, Letters of Admin-

istration, or of Guardianship for any Estate above the Value of Twenty Pounds Sterling Money, within the British Colonies and Plantations upon the Continent of America, the Islands belonging thereto, and the Bermuda and Bahama Islands, a Stamp Duty of Five Shillings.

[23.] For every Skin . . . on which shall be ingrossed any such Probate, Letters of Administration or of Guardianship, within all other parts of the British Dominions in America, a Stamp Duty of Ten Shillings.

[24.] For every Skin . . . on which shall be ingrossed any Bond for securing the Payment of any Sum of Money, not exceeding the Sum of Ten Pounds Sterling Money, within the British Colonies and Plantations upon the Continent of America, the Islands belonging thereto, and the Bermuda and Bahama Islands, a Stamp Duty of Six Pence.

[25.] For every Skin on which shall be ingrossed any Bond for securing the Payment of any Sum of Money above Ten Pounds, and not exceeding the Sum of Twenty Pounds Sterling Money, within such Colonies, Plantations, and Islands, a Stamp Duty of One Shilling.

[26.] For every Skin on which shall be ingrossed any Bond for securing the Payment or any Sum of Money above Twenty Pounds, and not exceeding Forty Pounds Sterling Money, within such Colonies, Plantations, and Islands, a Stamp Duty of One Shilling and Six Pence.

[27.] For every Skin . . . on which shall be ingrossed any Order or Warrant for surveying or setting out any Quantity of Land, not exceeding One Hundred Acres, issued by any Governor, Proprietor, or any Public Officer alone, or in Conjunction with any other Person or Persons, or with any Council, or any Council and Assembly, within the British Colonies and Plantation in America, a Stamp Duty of Six Pence.

[28.] For every Skin on which shall be ingrossed any such Order or Warrant for surveying or setting out any Quantity of Land above One hundred, and not exceeding *Two hundred Acres*, within the said Colonies and Plantations, *a Stamp Duty of One Shilling.*

[29.] For every Skin . . . on which shall be in-

grossed any such Order or Warrant for surveying or setting out any Quantity of Land above Two hundred, and not exceeding Three hundred and twenty Acres, and in Proportion for every such Order or Warrant for surveying or setting out every other Three hundred and twenty Acres, within the said Colonies and Plantations, a Stamp Duty of One Shilling and Six Pence.

[30.] For every Skin on which shall be ingrossed any Original Grant, or any Deed, Mesne Conveyance, or other Instrument whatsoever, by which any Quantity of Land, not exceeding One hundred Acres, shall be granted, conveyed, or assigned, within the British Colonies and Plantations upon the Continent of America, the Islands belonging thereto, and the Bermuda and Bahama islands (except Leases for any Term not exceeding the Term of Twenty one Years) a Stamp Duty of One Shilling and Six Pence.

[31.] For every Skin on which shall be ingrossed any such Original Grant . . . by which any Quantity of Land above One hundred, and not exceeding Two hundred Acres, shall be granted . . . within such Colonies, Plantations, and Islands, a Stamp Duty of Two Shillings.

[32.] For every Skin . . . on which shall be ingrossed . . . any such Original Grant . . . whatsoever, by which any Quantity of Land above Two hundred, and not exceeding Three hundred and twenty Acres, shall be granted . . . and in Proportion for every such grant . . . granting . . . every other Three hundred and twenty Acres, within such Colonies, Plantations, and Islands, a Stamp Duty of Two Shillings and Six Pence.

[33.] For every Skin . . . on which shall be engrossed . . . any such Original Grant . . . by which any Quantity of Land, not exceeding One hundred Acres, shall be granted . . . within all other Parts of the British Dominions in America, a Stamp Duty of Three Shillings.

[34.] For every Skin . . . on which shall be ingrossed any such Original Grant . . . by which any Quantity of Land above One hundred, and not exceeding Two hundred Acres, shall be granted within the same Parts of the same Dominions, a Stamp Duty of Four Shillings.

[35.] For every Skin . . . on which shall be ingrossed . . . any such Original Grant . . . by which any Quantity of Land above Two hundred, and not exceeding Three hundred and twenty Acres, shall be granted and in Proportion for every such Grant . . . granting . . . every other Three hundred and twenty Acres, within the same Parts of said Dominions, a Stamp Duty of Five Shillings.

[36.] For every Skin . . . on which shall be ingrossed . . . any Grant, Appointment, or Admission, of or to any publick beneficial Office or Employment, not herein before charged, above the Value of Twenty Pounds *per Annum* Sterling Money, in Salary, Fees, and Perquisites, or any Exemplification of the same, within the British Colonies and Plantations upon the Continent of America, the Islands belonging thereto, and the Bermuda and Bahama Islands (except Commission of Officers of the Army, Navy, Ordnance, or Militia, and of Justices of the Peace) a Stamp Duty of Four Pounds.

[37.] For every Skin . . . on which shall be ingrossed . . . any such grant . . . within all other Parts of the *British* Dominions in *America*, a Stamp Duty of Six Pounds.

[38.] For every Skin . . . on which shall be ingrossed . . . any Indenture, Lease, Conveyance, Contract, Stipulation, Bill of Sale, Charter Party, Protest, Articles of Apprenticeship or Covenant (except for the Hire of Servants not Apprentices, and also except such other Matters as herein before charged), within the *British* Colonies and Plantations in *America*, a Stamp Duty of Two Shillings and Six Pence.

[39.] For every Skin . . . on which any Warrant or Order for auditing any Public Accounts, Beneficial Warrant, Order, Grant, or Certificate, under any public Seal, or under the Seal or Sign Manual of any Governor, Proprietor, or public Officer alone, or in Conjunction with any other Person or Persons, or with any Council, or any Council and *Assembly*, not herein before charged, or any Passport or *Let-pass*, *Surrender of Office* or Policy of Assurance, shall be ingrossed . . . within the said Colonies and Plantations

(except Warrants or Orders for the Service of the Navy, Army, Ordnance, or Militia, and Grants of Offices under Twenty Pounds *per Annum*, in Salary, Fees, and Perquisites) a Stamp Duty of Five Shillings.

[40.] For every Skin . . . on which shall be ingrossed . . . any Notarial Act, Bond, Deed, Letter of Attorney, Procuration, Mortgage, Release, or other Obligatory Instrument, not herein before charged, within the said Colonies and Plantations, a Stamp Duty of Two Shillings and Three Pence.

[41.] For every Skin . . . on which shall be ingrossed . . . any Register, Entry, or Inrollment of any Grant, Deed, or other Instrument whatsoever herein before charged, within the said Colonies and Plantations, a Stamp Duty of Three Pence.

[42.] For every Skin . . . on which shall be ingrossed . . . any Register, . . . not herein before charged, within the said Colonies and Plantations, a Stamp Duty of Two Shillings.

[43.] And for and upon every Pack of Playing Cards, and all Dice, which shall be sold or used within the said Colonies and Plantations, the several Stamp Duties following (that is to say:)

[44.] For every Pack of such Cards the sum of One Shilling.

[45.] And for every Pair of such Dice, the sum of Ten Shillings.

[46.] And for and upon every Paper called a *Pamphlet*, and upon every News Paper, containing public News, Intelligence, or Occurrences, which shall be printed, dispersed, and made public, within any of the said Colonies and Plantations, and for and upon such advertisements as are herein after mentioned, the respective Duties following (that is to say):

[47.] For every such Pamphlet and Paper contained in Half a Sheet, or any lesser Piece of Paper, which shall be so printed, a Stamp Duty of One Half-penny for every printed Copy thereof.

[48.] For every such Pamphlet and Paper (being larger than Half a Sheet, and not exceeding One whole Sheet) which

shall be so printed, a Stamp Duty of One Penny for every printed Copy thereof.

[49.] For every Pamphlet and Paper, being larger than One whole Sheet, and not exceeding Six Sheets in Octavo, or in a lesser Page, or not exceeding Twelve Sheets in Quarto, or Twenty Sheets in Folio, which shall be so printed, a Duty after the Rate of One Shilling for every Sheet of any Kind of Paper which shall be contained in One printed Copy thereof.

[50.] For every advertisement to be contained in any Gazette, News Paper, or other Paper, or any Pamphlet which shall be so printed, a Duty of Two Shillings.

[51.] For every Almanac, or Calender, for any One particular Year, or for any Time less than a Year, which shall be written or printed on One Side only of any One Sheet, Skin, or Piece of Paper, Parchment, or Vellum, within the said Colonies and Plantations, a Stamp Duty of Two Pence.

[52.] For every other Almanac or Calendar, for any One particular Year, which shall be written or printed within the said Colonies and Plantations, a Stamp Duty of Four Pence.

[53.] And for every Almanac or Calendar, written or printed in the said Colonies and Plantations, to serve for several Years, Duties to the same amount respectively shall be paid for every such Year.

[54.] For every Skin . . . on which any Instrument, Proceeding or other Matter or Thing aforesaid, shall be ingrossed . . . within the said Colonies and Plantations, in any other than the *English* language, a Stamp Duty of Double the Amount of the respective Duties before charged thereon.

[55.] And there shall be also paid in the said Colonies and Plantations, a Duty of Six Pence for every Twenty Shillings, in any sum not exceeding Fifty Pounds Sterling Money, which shall be given, paid, contracted, or agreed, for, with, or in relation to, any Clerk or Apprentice, which shall be put or placed to or with any Master or Mistress, to learn any Profession, Trade, or Employment.

[56.] And also a Duty of One Shilling for every Twenty *Shillings*, in any Sum exceeding Fifty Pounds, which shall be given, paid, contracted, or agreed, for, with, or in relation to, any such Clerk or Apprentice.

[57.] And be it further enacted by the Authority aforesaid, That every Deed, Instrument, Note, Memorandum, Letter, or other Minument or Writing, for or relating to the Payment of any Sum of Money, or for making any valuable Consideration for or upon the Loss of any Ship, Vessel, Goods, Wages, Money, Effects, or upon any Loss by Fire, or for any other Loss whatsoever, or for or upon any Life or Lives, shall be construed, deemed, and adjudged to be Policies of Assurance within the Meaning of this Act: And if any such Deed, . . . for insuring, or tending to insure, any more than One Ship or Vessel for more than any One Voyage, or any Goods . . . or other Matter or Thing whatsoever, for more than One Voyage, or in more than One Ship or Vessel, or being the Property of, or belonging to, any more than One Person, or any particular Number of Persons in General Partnership, or any more than One Body Politick or Corporate, or for more than One Risque; then, in every such Case, the Money insured thereon, or the valuable Consideration thereby agreed to be made, shall become the absolute Property of the Insured, and the Insurer shall also forfeit any Premium given for such Insurance, together with the Sum of One hundred Pounds.

[58.] And be it further enacted . . . That every Deed . . . between the Captain or Master or Owner of any Ship or Vessel, and any Merchant, Trader, or other Person, in respect to the Freight or Conveyance of any Money, Goods, Wares, Merchandizes, or Effects, laden or to be laden on Board of any such Ship or Vessel, shall be deemed and adjudged to be a Charter Party within the Meaning of this Act.

[59.] And be it further enacted . . . That all Books and Pamphlets serving chiefly for the Purpose of an Almanack, by whatsoever Name or Names intituled or described, are and shall be charged with the Duty imposed by this Act on Almanacks. but not with any of the Duties charged by this Act on Pamphlets, or other printed Papers; anything herein contained to the contrary notwithstanding.

[60.] Provided always, That this Act shall not extend to charge any Bills of Exchange, Accompts, Bills of Parcels. *Bills of Fees*, or any Bills or Notes not Sealed for Payment of

Money at Sight, or upon Demand, or at the End of certain Days of Payment.

[61.] Provided, That nothing in this Act contained shall extend to charge the Probate of any Will or Letters of Administration to the Effects of any Common Seaman or Soldier, who shall die in His Majesty's Service; a Certificate being produced from the Commanding Officer of the Ship or Vessel, or Troop or Company, in which such Seaman or Soldier served at the Time of his Death, and Oath, or if by a Quaker a Solemn Affirmation, made of the Truth thereof, before the proper Judge or Officer by whom such Probate or Administration ought to be granted; which Oath or Affirmation such Judge or Officer is hereby authorized and required to administer, and for which no Fee or Reward shall be taken.

[62.] Provided always, and be it enacted, That until after the Expiration of Five Years from the Commencement of the said Duties, no Skin . . . on which any Instrument . . . shall be ingrossed . . ., within the Colonies of *Quebec* or *Granada*, in any other than the *English* Language, shall be liable to be charged with any higher Stamp Duty than if the same had been ingrossed . . . in the *English* Language.

[63.] Provided always, That nothing in this Act contained shall extend to charge with any Duty, any Deed, or other Instrument, which shall be made between any *Indian* Nation and the Governor, Proprietor of any Colony, Lieutenant Governor, or Commander in chief, alone, or in Conjunction with any other Person or Persons, or with any Council, or any Council and Assembly of any of the said Colonies or Plantations, for or relating to the granting, surrendering, or conveying, any Lands belonging to such Nation, to, for, or on behalf of His Majesty, or any such Proprietor, or to any Colony or Plantation.

[64.] Provided always, That this Act shall not extend to charge any Proclamation, Forms of Prayer and Thanksgiving, or any printed Votes of any House of Assembly in any of the said Colonies and Plantations, with any of the said Duties on *Pamphlets* or *News Papers*; or to charge any Books commonly used in any of the Schools within the said Colonies and Plantations, or any books containing only Matters of

Devotion or Piety; or to charge any single Advertisement printed by itself, or the ~~daily~~ Accounts or Bills of Goods imported and exported, so as such Accounts or Bills do contain no other Matters than what have been usually comprised therein; any thing herein contained to the contrary notwithstanding.

[65.] Provided always, That nothing in this Act contained shall extend to charge with the said Duties any Vellum . . . on which shall only be engrossed . . . any Certificate that shall be necessary to intitle any Person to receive a Bounty granted by Act of Parliament.

[66.] And be it further enacted, . . . That the said several Duties shall be under the Management of the Commissioners, for the time being, of the Duties charged on Stamped Vellum, Parchment, and Paper, in *Great Britain*: And the said Commissioners are hereby impowered and required to employ such Officers under them, for that Purpose, as they shall think proper; and to use such Stamps and Marks, to denote the Stamp Duties hereby charged, as they shall think fit; and to repair, renew, or alter the same, from time to time, as there shall be Occasion; and to do all other Acts, Matters, and Things, necessary to be done, for putting this Act in Execution with relation to the Duties hereby charged.

[67.] And be it further enacted . . . That the Commissions for managing the said Duties for the time being, shall and may appoint a fit Person or Persons to attend in every Court or Publick Office within the said Colonies and Plantations, to take notice of the Vellum, Parchment, or Paper, upon which any of the Matters or Things hereby charged with a Duty shall be ingrossed, written, or printed, and of the Stamps or Marks thereupon, and of all other Matters and Things tending to secure the said Duties; and that the Judges in the several Courts, and all other Persons to whom it may appertain, shall, at the Request of any such Officer, make such Orders, and do such other Matters and Things, for the better securing of the said Duties, as shall be lawfully or reasonably desired in that Behalf: And every Commissioner and other Officer, before he proceeds to the Execution of any Part of this Act, shall take an Oath in the Words, or to the Effect following (that is to say)

I A. B. do swear, That I will faithfully execute the Trust reposed in me, pursuant to an Act of Parliament made in the Fifth Year of the Reign of His Majesty King George the Third, For granting certain Stamp Duties, and other Duties, in the British Colonies and Plantations in America, without Fraud or Concealment; and will from time to time true Account make of my Doing therein, and deliver the same to such Person or Persons as His Majesty, His Heirs, or Successors, shall appoint to receive such Account, and will take no Fee, Reward, or Profit, for the Execution or Performance of the said Trust, or the Business relating thereto, from any Person or Persons, other than such as shall be allowed by His Majesty, His Heirs, and Successors, or by some other Person or Persons under him or them to that Purpose authorized.

Or if any such Officers shall be of the People commonly called *Quakers* he shall take a Solemn Affirmation to the Effect of the said Oath; which Oath or Affirmation shall and may be administered to any such Commissioner or Commissioners by any Two or more of the same Commissioners, whether they have or have not previously taken the same: And any of the said Commissioners, or any Justice of the Peace, within the Kingdom of Great Britain, or any Governor, Lieutenant Governor, Judge, or other Magistrate, within the said Colonies or Plantations, shall and may administer such Oath or Affirmations to any subordinate Officer.

[68.] And be it further enacted . . . That the said Commissioners, and all Officers to be employed or entrusted by or under them as aforesaid, shall, from time to time, in and for the better Execution of their several Places and Trusts, observe such Rules, Methods, and Orders, as they respectively shall, from time to time, receive from the High Treasurer of *Great Britain*, or the Commissioners of the Treasury, or any Three or more of such Commissioners for the time being; and that the said Commissioners for managing the Stamp Duties shall take especial Care, that the several Colonies and Plantations shall, from time to time, be sufficiently furnished with Vellum, Parchment, and Paper, stamped or marked with the said respective Duties.

[69.] And be it further enacted . . . That if any Person or Persons shall sign, ingross, write, print, or sell, or

expose to Sale, in any of the said Colonies or Plantations, or in any other Part of His Majesty's Dominions, any Matter or Thing, for which the Vellum . . . is hereby charged to pay any Duty, before the same shall be marked or stamped with the Marks or Stamps to be provided as aforesaid, or upon which there shall not be some Stamp or Mark resembling the same; or shall sign, ingross, . . . any Matter or Thing upon any Vellum . . . that shall be marked or stamped for any lower Duty than the Duty by this Act made payable in respect thereof; every such Person so offending shall, for every such Offence, forfeit the Sum of Ten Pounds.

[70.] And be it further enacted . . . That no Matter or Thing whatsoever, by this Act charged with the Payment of a Duty, shall be pleaded or given in Evidence, or admitted in any Court within the said Colonies and Plantations, to be good, useful, or available in Law or Equity, unless the same shall be marked or stamped, in pursuance of this Act, with the respective Duty hereby charged thereon, or with an higher Duty.

[71.] Provided nevertheless, and be it further enacted . . . That if any Vellum, . . . containing any Deed, Instrument, or other Matter or Thing, shall not be duly stamped in pursuance of this Act, at the time of the Signing, Sealing, or other Execution, or the Entry or Inrollment thereof, any Person interested therein, or any Person on his or her Behalf, upon producing the same to any One of the Chief Distributors of stamp Vellum, Parchment, and Paper, and paying to him the Sum of Ten Pounds for every such Deed, Instrument, Matter, or Thing, and also Double the Amount of the Duties payable in respect thereof, shall be intitled to receive from such Distributor, Vellum, Parchment, or Paper, stamped pursuant to this Act, to the Amount of the Money so paid; a certificate being first written upon every such Piece of Vellum . . . expressing the Name and Place of Abode of the Person by or on whose Behalf such Payment is made, the general Purport of such Deed, . . . the Names of the Parties therein, and of the Witnesses (if any) thereto, and the Date thereof, which Certificate shall be signed by the said Distributor; and the Vellum . . . shall be annexed to such Deed, . . . by or in the

Presence of such Distributor, who shall impress a Seal upon wax, to be affixed on the Part when such Annexation shall be made, in the Presence of a Magistrate, who shall attest such Signature and Sealing; and the Deed, . . . from thenceforth shall and may, with the Vellum . . . so annexed, be admitted and allowed in Evidence in any Court whatsoever, and shall be as valid and effectual as if the proper stamps had been impressed thereon at the Time of the Signing . . . thereof; And the said Distributor shall, Once in every Six Months, or oftener if required by the Commissioners for managing the Stamp Duties, send to such Commissioner true Copies of all such Certificates, and an Account of the Number of Pieces of Vellum . . . so annexed, and of the respective Duties impressed upon every such Piece.

[72.] And be it further enacted . . . That if any Person shall forge, counterfeit, erase, or alter, any such Certificate, every such Person so offending shall be guilty of Felony, and shall suffer Death as in Cases of Felony without the Benefit of Clergy.

[73.] And be it further enacted . . . That if any Person or Persons shall, in the said Colonies or Plantations, or in any other Part of His Majesty's Dominions, counterfeit or forge any Seal, Stamp, Mark, Type, Device, or Label, to resemble any Seal, . . . , which shall be provided or made in pursuance of this Act; or shall counterfeit or resemble the Impression of the same upon any Vellum . . . thereby to evade the Payment of any Duty hereby granted; or shall make, sign, print, utter, vend, or sell, any Vellum . . . with such counterfeit Mark or Impression thereon, knowing such Mark or Impression to be counterfeited; then every Person so offending shall be adjudged a Felon, and shall suffer Death as in Cases of Felony without the Benefit of Clergy.

[74.] And it is hereby declared, That upon any Prosecution or Prosecutions for such Felony, the Dye, Tool, or other Instrument made use of in counterfeiting or forging any such Seal, Stamp, Mark, Type, Device, or Label, together with the Vellum . . . having such counterfeit Impression, shall, immediately after the Trial or Conviction of the

Party or Parties accused, be broke, defaced, or destroyed, in open Court.

[75.] And be it further enacted . . . That if any Register, Publick Officer, Clerk, or other Person in any Court, Registry, or Office within any of the said Colonies . . . , shall, at any Time after the said First Day of *November*, One thousand seven hundred and sixty five, enter, register, or inroll any Matter or Thing hereby charged with a Stamp Duty, unless the sum shall appear to be duly stamped; in every such Case such Register, Publick Officer, Clerk, or other Person, shall, for every such Offence forfeit the Sum of Twenty Pounds.

[76.] And be it further enacted . . . That from and after the said First Day of *November* One thousand seven hundred and sixty five, if any Counsellor, Clerk, Officer, Attorney, or other Person, to whom it shall appertain, or who shall be employed or intrusted, in the said Colonies . . . to enter or file any Matter or Thing in respect whereof any Duty shall be payable by virtue of this Act, shall neglect to enter, file or record the same, as by Law the same ought to be entered, filed, or recorded, within the Space of Four Months after he shall have received any Money for or in respect of the same, or shall have promised or undertaken so to do; or shall neglect to enter, file, or record, any such Matter or Thing, before any subsequent, further, or other Proceedings, Matter or Thing, in the Same Suit, shall be had, entered, filed, or recorded; that then every such Counsellor, Clerk, Officer, Attorney, or other Person so neglecting or offending, in each of the Cases aforesaid, shall forfeit the Sum of Fifty Pounds for every such Offence.

[77.] And be it further enacted, . . . That if any Person or Persons, at any Time after the said First Day of *November* One thousand seven hundred and sixty five, shall write, ingross, or print, or cause to be written, ingrossed, or printed, in the said Colonies . . . or in any other Part of His said Majesty's Dominions, either the whole or any Part of any Matter or Thing whatsoever in respect whereof any Duty is payable by this Act, upon any Part of any Piece of Vellum . . . whereon there shall have been before written any other Matter or Thing in respect whereof any

Duty was payable by this Act ; or shall fraudulently erase, or cause to be erased, the Name or Names of any Person or Persons, or any Sum, Date, or other Thing, ingrossed, written, or printed, in such Matter or Thing as aforesaid ; or fraudulently cut, tear, or get off, any Mark or Stamp from any Piece of Vellum, Parchment, or Paper, or any Part thereof, with Intent to use such Stamp or Mark for any other Matter or Thing in respect whereof any Duty shall be payable by virtue of this Act ; that then, and so often, and in every such Case, every Person so offending shall, for every such Offence, forfeit the Sum of Fifty Pounds.

[78.] And be it further enacted . . . That every Matter and Thing, in respect whereof any Duty shall be payable in pursuance of this Act, shall be ingrossed . . . in such Manner, that some Part thereof Shall be either upon, or as near as conveniently may be to, the Stamps or Marks denoting the Duty ; upon Pain that the Person who shall ingross . . . or cause to be ingrossed . . . any such Matter or Thing in any other Manner, shall, for every such Offence, forfeit the Sum of Five Pounds.

[79.] And be it further enacted . . . That every Officer of each Court, and every Justice of the Peace or other Person within the said Colonies . . ., who shall issue any Writ or Process upon which a Duty is by this Act payable, shall, at the issuing thereof, set down upon such Writ or Process the Day and Year of his issuing the same, which shall be entered upon a Remembrance, or in a Book to be kept for that Purpose, setting forth the Abstract of such Writ or Process ; upon Pain to forfeit the Sum of Ten Pounds for every such Offence.

[80.] And, for the better collecting and securing the Duties hereby charged on Pamphlets containing more than One Sheet of Paper as aforesaid, be it further enacted . . ., That from and after the said First Day of *November*, One thousand seven hundred and sixty five, One printed Copy of every Pamphlet which shall be printed or published within any of the said colonies . . ., shall, within the space of *Fourteen* Days after the printing thereof, be brought to the *Chief Distributor* in the Colony . . . where such *Pamphlet* shall be printed, and the Title thereof, with the

Number of the sheets contained therein, and the Duty hereby charged thereon, shall be registered or entered in a Book to be kept for that Purpose; which Duty shall be thereupon paid to the proper Officer or Officers appointed to receive the same, or his or their Deputy or Clerk, who shall thereupon forthwith give a Receipt for the same on such printed Copy, to denote the Payment of the Duty hereby charged on such Pamphlets; and if any such Pamphlets shall be printed or published, and the Duty hereby charged thereon shall not be duly paid, and the Title and Number of Sheets shall not be registered, and a Receipt for such Duty given on One Copy, when required so to be, within the time herein before for that Purpose limited; that then the Author, Printer, and Publisher, and all other Persons concerned in or about the printing or publishing of such Pamphlets, shall, for every such Offence, forfeit the Sum of Ten Pounds, and shall lose all ~~Property~~ therein, and in every other Copy thereof, so as any Person may freely print and publish the same, paying the Duty payable in respect thereof by virtue of this Act, without being liable to any Action, Prosecution, or Penalty for so doing.

[81.] And it is hereby further enacted . . . That no Person whatsoever shall sell or expose for Sale any such Pamphlet, or any News Paper, without the true respective Name or Names, and Place or Places of Abode, of some known Person or Persons by or for whom the same was really and truly printed or published; upon Pain that every Person offending therein shall, for every such Offence, forfeit the Sum of Twenty Pounds.

[82.] And be it further enacted . . . That no officer appointed for distributing stamped Vellum . . . in the said Colonies . . . shall sell or deliver any stamped Paper for printing any Pamphlet, or any publick News, Intelligence, or Occurrences, to be contained in One Sheet, or any lesser Piece of Paper, unless such Person shall give Security to the said Officer, for the Payment of the Duties for the Advertisements which shall be printed therein or thereupon.

[83.] And whereas it may be uncertain how many printed Copies of the said printed News Papers or Pamphlets, to be contained in one Sheet, or in a lesser Piece of Paper, may be

sold ; and to the Intent the Duties hereby granted thereupon may not be lessened by printing a less Number than may be sold, out of a Fear of a Loss thereby in printing more such copies than will be sold ; it is hereby provided, and be it further enacted . . . That the proper Officer or Officers appointed for managing the said Stamp Duties, shall and may cancel, or cause to be cancelled, all the Stamps upon the copies of any Impression of any News Paper or Pamphlet contained in One Sheet, or any lesser Piece of Paper, which shall really and truly remain unsold, and of which no Profit or Advantage has been made ; and upon Oath, or if by a Quaker, upon Solemn Affirmation, made before a Justice of the Peace, or other proper Magistrate, that all such Copies, containing the Stamps so tendered to be cancelled, are really and truly remaining unsold, and that none of the said Copies have been fraudulently returned or rebought, or any Profit or Advantage made thereon ; which Oath or Affirmation such Magistrate is hereby authorized to administer, and to examine upon Oath or Affirmation into all Circumstances relating to the selling or disposing of such printed Copies, shall and may deliver, or cause to be delivered, the like Number of other Sheets, Half Sheets, or less Pieces of Paper, properly stamped with the same respective Stamps, upon Payment made for such Paper, but no Duty shall be taken for the Stamps thereon ; any thing herein contained to the contrary notwithstanding : And the said Commissioners for managing the Stamp Duties for the time being are hereby impowered, from time to time, to make such Rules and Orders for regulating the Methods, and limiting the Times, for such cancelling and Allowance as aforesaid, with respect to such News Papers and Pamphlets, as they shall, upon Experience and Consideration of the several Circumstances, find necessary or convenient, for the effectual securing the Duties thereon, and doing justice to the Persons concerned in the printing and publishing thereof.

[84.] Provided always, and be it further enacted . . . That any Officer or Officers employed by the said Commissioners for managing the Stamp Duties, shall and may deliver *so any Person, by or for whom any Almanack or Almanacks shall have been printed, Paper marked or stamped according*

to the true Intent and Meaning hereof, for the Printing such Almanack or Almanacks, upon his or her giving sufficient Security to pay the Amount of the Duty hereby charged thereon, within the space of Three Months after such Delivery; and that the said Officer or Officers, upon bringing to him or them any Number of the Copies of such Almanacks, within the Space of Three Months from the said Delivery and Request to him or them in that Behalf made, shall cancel all the Stamps upon such Copies, and abate to every such Person so much of the Money due upon such Security as such cancelled Stamps shall amount to.

[85.] Provided always, That where any Almanack shall contain more than One Sheet of Paper, it shall be sufficient to stamp only One of the Sheets or Pieces of Paper upon which such Almanack shall be printed, and to pay the Duty accordingly.

[86.] And it is hereby further enacted by the Authority aforesaid, That from and after the said First Day of *November*, One thousand seven hundred and sixty-five, in case any Person or Persons, within any of the said Colonies or Plantations, shall sell, hawk, carry about, utter, or expose to Sale, any Almanack, or Calendar, or any News Paper, or any Book, Pamphlet, or Paper, deemed or construed to be, or serving the Purpose of, an Almanack or News Paper, within the Intention and Meaning of this Act, not being stamped or marked as by this Act is directed; every such Person shall, for every such Offence, forfeit the Sum of Forty Shillings.

[87.] And be it further enacted . . . That from and after the said First Day of *November*, One thousand seven hundred and sixty-five, the full Sum or Sums of Money, or other valuable Consideration received, or in any wise directly or indirectly given, paid, agreed, or contracted, ~~for~~, with, or in relation to any Clerk or Apprentice, within any of the said Colonies or Plantations, shall be truly inserted, or written in Words at Length, in some Indenture or other Writing which shall contain the Covenants, Articles, Contracts, or Agreements, relating to the Service of such Clerk or Apprentice; and shall bear Date upon the Day of the signing, sealing, or other Execution of the same, upon Pain that every *Master or Mistress* to or with whom, or to whose Use, any

Sum of Money, or other valuable Consideration whatsoever, shall be given, paid, secured, or contracted, for or in respect of any such Clerk or Apprentice, which shall not be truly and fully so inserted and specified in some such Indenture, or other Writing, shall, for every such Offence forfeit Double the Sum, or Double the Amount of any other valuable Consideration so given, paid, agreed, secured, or contracted for; to be sued for and recovered at any Time, during the Term specified in the Indenture or Writing for the Service of such Clerk or Apprentice, or within One Year after the Determination thereof; and that all such Indentures, or other Writings, shall be brought, within the Space of Three Months, to the proper Officer or Officers, appointed by the said Commissioners for collecting the said Duties within the respective Colony or Plantation; and the Duty hereby charged for the Sums, or other valuable Consideration inserted therein, shall be paid by the Master or Mistress of such Clerk or Apprentice to the said Officer or Officers, who shall give Receipts for such Duty on the Back of such Indentures or other Writings; and in case the Duty shall not be paid within the Time before limited, such Master or Mistress shall forfeit Double the Amount of such Duty.

[88.] And be it further enacted . . . That all Indentures or Writings within the said Colonies and Plantations, relating to the Service of Clerks or Apprentices, wherein shall not be truly inserted or written the full Sum or Sums of Money, or other valuable Consideration, received, or in any wise directly or indirectly given, paid, agreed, secured, or contracted, for, with, or in relation to any such Clerk or Apprentice, and a Receipt given for the same by the Officer or Officers aforesaid, or whereupon the Duties payable by this Act shall not be duly paid or lawfully tendered, according to the Tenor and true meaning of this Act, within the Time herein for that Purpose limited, shall be void and not available in any Court or Place, or to any Purpose whatsoever.

[89.] And be it further enacted by the Authority aforesaid, *That if any Master or Mistress of any Clerk or Apprentice shall neglect to pay the said Duty, within the Time herein before limited, and any such Clerk or Apprentice shall in*

that case pay, or cause to be paid, to the Amount of Double the said Duty, either during the Term of such Clerkship or Apprenticeship, or within One Year after the Determination thereof, such Master or Mistress not having then paid the said Double Duty although required by such Clerk or Apprentice so to do; then, and in such Case, it shall and may be lawful, to and for any such Clerk or Apprentice, within Three Months after such Payment of the said Double Duty, to demand of such Master or Mistress, or his or her Executors or Administrators, such Sum or Sums of Money, or valuable Consideration as was or were paid to such Master or Mistress, for or in respect of such Clerkship or Apprenticeship; and in case such Sum or Sums of Money, or valuable Consideration, shall not be paid within Three Months after such Demand thereof made, it shall and may be lawful to and for any such Clerk or Apprentice, or, any other Person or Persons on his or her Behalf, to sue for and recover the same, in such Manner as any Penalty hereby inflicted may be sued for and recovered; and such Clerks and Apprentices shall immediately after payment of such Double Duty, be and are hereby discharged from their Clerkships or Apprenticeships, and from all Actions, Penalties, Forfeitures, and Damages, for not serving the Time for which they were respectively bound, contracted for, or agreed to serve, and shall have such and the same Benefit and Advantage of the Time they shall respectively have continued with and served such Master or Mistress, as they would have been intitled to in case such Duty had been paid by such Master or Mistress, within the Time herein before limited for that Purpose.

[90.] And be it further enacted . . . That all printed Indentures or Contracts for binding Clerks or Apprentices, after the said First Day of *November*, One thousand seven hundred and sixty-five, within the said Colonies and Plantations, shall have the following Notice or Memorandum printed under the same, or added thereto, *videlicet*,

The Indenture must bear Date the Day it is executed, and the Money or other Thing, given or contracted for with the Clerk or Apprentice, must be inserted in Words at Length, and the Duty paid, and a Receipt given on the Back of the Indenture, by the Distributor of Stamps, or his Substitute, within

Three Months after the Execution of such Indenture, under the Penalties inflicted by Law.

And if any Printer, Stationer or other Person or Persons, within any of the said Colonies or Plantations, or any other Part of His Majesty's Dominions, shall sell, or cause to be sold, any such Indenture or Contract, without such Notice or Memorandum being printed under the same, or added thereto; then, and in every such Case, such Printer, Stationer, or other Person or Persons, shall, for every such Offence, forfeit the Sum of Ten Pounds.

[91.] And, for the better securing the said Duty on Playing Cards and Dice; be it further enacted . . . That from and after the said First Day of November, One thousand seven hundred and sixty-five, no Playing Cards or Dice shall be Sold, exposed to Sale, or used in Play, within the said Colonies or Plantations, unless the Paper and Thread inclosing, or which shall have inclosed, the same, shall be or shall have been respectively sealed and stamped, or marked, and unless One of the Cards of each Pack or Parcel of Cards, so sold, shall be also marked or stamped on the spotted or painted Side thereof with such Mark or Marks as shall have been provided in pursuance of this Act, upon Pain that every Person who shall sell, or expose to Sale, any such Cards or Dice which shall not have been so respectively sealed, marked, or stamped, as hereby, is respectively required, shall forfeit for every Pack or Parcel of Cards, and every One of such Dice so sold or exposed to Sale the Sum of Ten Pounds.

[92.] And it is hereby enacted . . . That if any Person within the said Colonies . . . shall sell or buy any Cover or Label which has before been made use of for denoting the said Duty upon Cards, in order to be made use of for the inclosing any Pack or Parcel of Cards; every Person so offending shall, for every such Offence, forfeit Twenty Pounds.

[93.] Provided always, and be it enacted . . . That if either the Buyer or Seller of any such Cover or Label shall inform against the other Party concerned in buying or selling *such Cover or Label*, the Party so informing shall be admitted *to give Evidence* against the Party informed against, and *shall be indemnified* against the said Penalties.

[94.] And be it further enacted . . . That if any Person or Persons shall fraudulently inclose any Parcel or Pack of Playing Cards in any Outside Paper so sealed and stamped as aforesaid, the same having been made use of for the Purpose aforesaid; then, so often, and in every such Case, every Person so offending in any of the Particulars before-mentioned, shall, for every such Offence, forfeit the Sum of Twenty Pounds.

[95.] And be it further enacted . . . That from and after said First Day of *November*, One thousand seven hundred and sixty five, every Clerk, Officer, and other Person employed or concerned in granting, making out, or delivering Licences for retailing Spirituous Liquors or Wine within any of the said Colonies or Plantations, shall, and he is hereby required and directed, within Two Months after delivering any such Licences, to transmit to the Chief Distributor of stamped Vellum, Parchment, and Paper, a true and exact List or Account of the Number of Licences so delivered, in which shall be inserted the Names of the Persons licensed, and the Places where they respectively reside; and if any such Clerk, Officer, or other Person, shall refuse or neglect to transmit any such List or Account to such Distributor, or shall transmit a false or untrue one, then, and in every such Case, such Clerk, Officer, or other Person, shall, for every such Offence forfeit Fifty Pounds.

[96.] And be it further enacted by the Authority aforesaid, That Licences for selling or uttering by Retail Spirituous Liquors or Wine within any of the said Colonies and Plantations, shall be in Force and serve for no longer than One Year from the Date of each Licence respectively.

[97.] Provided nevertheless, and be it enacted . . . That if any Person licensed to sell Spirituous Liquors or Wine, shall die or remove from the House or Place wherein such Spirituous Liquors or Wine shall, by virtue of such Licence, be sold, it shall and may be lawful for the Executors, Administrators, or Assigns, of such Person so dying or removing, who shall be possessed of such House or Place, or for any Occupier of such House or Place, to sell Spirituous Liquors or Wine therein during the Residue of the Term for which such Licence shall have been granted, without any

new Licence to be had or obtained in that Behalf; any thing to the contrary hereof in any wise notwithstanding.

[98.] And it is hereby enacted by the authority aforesaid, That if any Person or Persons shall sell or utter by Retail, that is to say, in any less Quantity than One Gallon at One Time, any kind of Wine, or any Liquor called or reputed Wine, or any kind of Spirituous Liquors, in the said Colonies or Plantations, without taking out such Licence yearly and every year, he, she, or they, so offending, shall, for every such Offence, forfeit the Sum of Twenty Pounds.

[99.] And be it further enacted . . . That every Person who shall retail Spirituous Liquors or Wine in any Prison or House of Correction, or any Workhouse appointed or to be appointed for the Reception of Poor Persons within any of the said Colonies or Plantations, shall be deemed a Retailer of Spirituous Liquors or Wine within this Act.

[100.] Provided always, and be it further enacted by the Authority aforesaid, That, if at any Time after the said First Day of *November*, One thousand seven hundred and sixty five, there shall not be any Provision made for licensing the Retailers of Wine or Spirituous Liquors, within any of the said Colonies or Plantations; then, and in every such case, and during such Time as no Prohibition shall be made, such Licenses shall and may be granted for the Space of One Year, and renewed from time to time by the Governor or Commander in Chief of every such respective Colony or Plantation.

[101.] And it is hereby further enacted by the Authority aforesaid, That every Person who shall at any One Time buy of any Chief Distributor within any of the said Colonies or Plantations, Vellum, Parchment, or Paper, the Duties whereof shall amount to Five Pounds Sterling Money of *Great Britain*, or upwards, shall be allowed after the Rate of Four Pounds *per Centum*, upon the prompt Payment of the said Duties to such Chief Distributor.

[102.] And be it further enacted . . . That all Publick Clerks or Officers within the said Colonies or Plantations, who shall from time to time have in their Custody any *Publick Books, or other Matter or Things* hereby charged with a *Stamp Duty*, shall, at any seasonable Time or Times, permit

any Officer or Officers thereunto authorized by the said Commissioners for managing the Stamp Duties, to inspect and view all such Publick Books, Matters, and Things, and to take thereout such Notes and Memorandums as shall be necessary for the Purpose of ascertaining or securing the said Duties, without Fee or Reward; upon Pain that every such Clerk or other Officer who shall refuse or neglect so to do, upon reasonable Request in that Behalf made, shall, for every such Refusal or Neglect, forfeit the Sum of Twenty Pounds.

[103.] And be it further enacted . . . That the High Treasurer of *Great Britain* or the Commissioners of His Majesty's Treasury, or any Three or more of such Commissioners, for the time being, shall Once in every Year at least, set the Prices at which all Sorts of stamped Vellum, Parchment, and Paper, shall be sold by the said Commissioners for managing the Stamp Duties, and their Officers; and that the said Commissioners for the said Duties shall cause such Prices to be marked upon every such Skin and Piece of Vellum and Parchment, and Sheet and Piece of Paper: And if any Officer or Distributor to be appointed by virtue of this Act, shall sell or cause to be sold, any Vellum, Parchment, or Paper, for a greater or higher Price or Sum, than the Price or Sum so set or affixed thereon; every such Officer or Distributor shall, for every such offence, forfeit the Sum of Twenty Pounds.

[104.] And be it also enacted . . . That the several Officers who shall be respectively employed in the raising, receiving, collecting, or paying, the several Duties hereby charged, within the said Colonies and Plantations, shall every Twelve Months, or oftener, if thereunto required by the said Commissioners for managing the said Duties, exhibit his and their respective Account and Accounts of the said several Duties upon Oath, or if a Quaker upon Affirmation, in the Presence of the Governor, or Commander in Chief or principal Judge of the Colony or Plantation where such Officers shall be respectively resident, in such Manner as the High Treasurer, or the Commissioners of the Treasury, or any Three or more of such Commissioners for the time being, shall, from time to time, direct and appoint, in order that

the same may be immediately afterwards transmitted by the said Officer or Officers to the Commissioners for managing the said Duties, to be comptrolled and audited according to the usual Course and Form of comptrolling and auditing the Accounts of the Stamp Duties arising within this Kingdom : And if any of the said Officers shall neglect or refuse to exhibit any such Account, or to verify the same upon Oath or Affirmation, or to transmit any such Account so verified to the Commissioners for managing the said Duties, in such Manner, and within such Time, as shall be so appointed or directed ; or shall neglect or refuse to pay, or cause to be paid, into the Hands of the Receiver General of the Stamp Duties in *Great Britain*, or to such other Person or Persons as the High-Treasurer, or Commissioners of the Treasury, or any Three or more of such Commissioners for the time being, shall, from time to time, nominate or appoint, the Monies respectively raised, levied, and received, by such Officers under the authority of this Act, at such Times, and in such Manner, as they shall be respectively required by the said High Treasurer, or Commissioners of the Treasury : or if any such Officers shall divert, detain, or misapply, all or any Part of the said Monies so by them respectively raised, levied, and received, or shall knowingly return any Person or Persons *insuper* for any Monies or other Things duly answered, paid or accounted for, by such Person or Persons, whereby he or they shall sustain any Damage or Prejudice ; in every such Case, every such Officer shall be liable to pay Treble the Value of all and every Sum and Sums of Money so diverted or misapplied ; and shall also be liable to pay Treble Damages to the Party grieved, by returning him *insuper*.

[105.] And be it further enacted . . . That the Commissioners, Receiver or Receivers General, or other Person or Persons, who shall be respectively employed in *Great Britain*, in the directing, receiving, or paying, the Monies arising by the Duties hereby granted, shall, and are hereby required, between the Tenth Day of *October* and the Fifth Day of *January* following, and so from Year to Year, yearly, at those Times, to exhibit their respective Accounts thereof to His Majesty's Auditors of the Imprest in England for the

time being, or One of them, to be declared before the High Treasurer, or Commissioners of the Treasury, and Chancellor of the Exchequer for the time being, according to the Course of the Exchequer.

[106.] And be it further enacted . . . That if the said Commissioners for managing the said Duties, or the said Receiver or Receivers General, shall neglect or refuse to pay into the Exchequer all or any of the said Monies, in such Manner as they are required by this Act to pay the same, or shall divert or misapply any Part thereof; then they, and every one of them so offending, shall be liable to pay Double the Value of all and every Sum and Sums of Money so diverted or misapplied.

[107.] And be it further enacted, That the Comptroller or Comptrollers for the time being of the Duties hereby imposed, shall keep perfect and distinct Accounts in Books fairly written of all the Monies arising by the said Duties: and if any such Comptroller or Comptrollers shall neglect his or their Duty therein, then he or they, for every such offence, shall forfeit the sum of One hundred Pounds.

[108.] And be it further enacted . . . That all the Monies which shall arise by the several Rates and Duties hereby granted (except the necessary Charges of raising, collecting, recovering, answering, paying, and accounting for the same, and the necessary Charges from time to time incurred in relation to this Act, and the Execution thereof) shall be paid into the Receipt of His Majesty's Exchequer, and shall be entered separate and apart from all other Monies, and shall be then reserved to be from time to time disposed of by Parliament, towards further defraying the necessary expenses of defending, protecting, and securing, the said Colonies and Plantations.

[109.] And whereas it is proper that some Provision should be made for Payment of the necessary Expences which have been, and shall be incurred in relation to this Act, and the Execution thereof, and of the Orders and Rules to be established under the Authority of the same, before the said Duties shall take Effect, or the Monies arising thereby shall be sufficient to discharge such Expences; be it therefore enacted . . . That His Majesty may, and He is hereby empowered

by any Warrant or Warrants under His Royal Sign Manual, at any Time or Times before the Twentieth Day of *April*, One thousand seven hundred and sixty-six, to cause to be issued and paid out of any of the Surplusses, Excesses, Overplus Monies, and other Revenues composing the Fund commonly called *The Sinking Fund* (except such Monies of the said Sinking Fund as are appropriated to any particular Use or Uses, by any former Act or Acts of Parliament in that Behalf) such Sum and Sums of Money as shall be necessary to defray the said Expenses; and the Monies so issued, shall be reimbursed, by Payment into the Exchequer of the like Sum or Sums out of the First Monies which shall arise by virtue of this Act; which Monies, upon the Payment thereof into the Exchequer, shall be carried to the Account, and made part of the said Fund.

[110.] And it is hereby further enacted and declared, That all the Powers and Authorities by this Act granted to the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper, shall and may be fully and effectually carried into execution by any Three or more of the said Commissioners: any thing herein before contained to the contrary notwithstanding.

[111.] And be it further enacted . . . That all Forfeitures and Penalties incurred after the Twenty ninth Day of *September* One thousand seven hundred and sixty-five, for Offences committed against an Act passed in the Fourth Year of the Reign of His present Majesty, intituled, *An Act for granting certain Duties in the BRITISH Colonies and Plantations in AMERICA; for continuing, amending, and making perpetual, an Act passed in the Sixth Year of the Reign of His late Majesty, King GEORGE the Second, intituled, AN ACT FOR THE BETTER SECURING AND ENCOURAGING THE TRADE OF HIS MAJESTY'S SUGAR COLONIES in America; for applying the Produce of such Duties, and of the Duties to arise by virtue of the said Act, towards defraying the Expenses of defending, protecting, and securing, the said Colonies and Plantations; for explaining an Act made in the Twenty fifth Year of the Reign of King CHARLES the Second, intituled, AN ACT FOR THE ENCOURAGEMENT OF THE Greenland and Eastland TRADES AND FOR THE BETTER SECURING THE PLANTATION TRADE;*

and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and improving and securing the Trade between the same and GREAT BRITAIN, and for Offences committed against any other Act or Acts of Parliament relating to the Trade or Revenues of the said Colonies or Plantations; shall and may be prosecuted, sued for, and recovered, in any Court of Record, or in any Court of Admiralty, in the respective Colony or Plantation where the Offence shall be committed, or in any Court of Vice Admiralty appointed or to be appointed, and which shall have Jurisdiction within such Colony, Plantation, or Place (which Courts of Admiralty or Vice Admiralty are hereby respectively authorized and required to proceed, hear and determine the same) at the Election of the Informer or Prosecutor.

[112.] And it is hereby further enacted and declared . . . That all Sums of Money granted and imposed by this Act, as Rates or Duties, and also all Sums of Money imposed by this Act, as Rates or Duties, and also all Sums of Money imposed as Forfeitures or Penalties, and all Sums of Money required to be paid, and all other Monies herein mentioned, shall be deemed and taken to be Sterling Money of *Great Britain*, and shall be collected, recovered and paid, to the Amount of the Value which such nominal Sums bear in *Great Britain*, and that such Monies shall and may be received and taken, according to the Proportion and Value of Five Shillings and Six Pence the Ounce in Silver; and that all the Forfeitures and Penalties hereby inflicted, and which shall be incurred, in the said Colonies and Plantations, shall and may be prosecuted, sued for, and recovered, in any Court of Record, or in any Court of Admiralty, in the respective Colony or Plantation where the Offence shall be committed, or in any Court of Vice Admiralty appointed or to be appointed, and which shall have Jurisdiction within such Colony, Plantation, or Place, (which Courts of Admiralty or Vice Admiralty are hereby respectively authorized and required to proceed, hear, and determine the same,) at the Election of the Informer or Prosecutor; and that from and after the *Twenty ninth Day of September*, One thousand seven hundred

and sixty five, in all cases, when any Suit or Prosecution shall be commenced and determined for any Penalty or Forfeiture inflicted by this Act, or by the said Act made in the Fourth Year of His present Majesty's Reign, or by any other Act of Parliament relating to the Trade or Revenues of the said Colonies or Plantations, in any Court of Admiralty in the respective Colony or Plantation where the Offence shall be committed, either Party, who shall think himself aggrieved by such Determination, may appeal from such Determination to any Court of Vice Admiralty appointed or to be appointed, and which shall have Jurisdiction within such Colony, Plantation, or Place, (which Court of Vice Admiralty is hereby authorized and required to proceed, hear, and determine such Appeal) any Law, Custom, or Usage, to the contrary notwithstanding; and the Forfeitures and Penalties hereby inflicted, which shall be incurred in any other Part of His Majesty's Dominions, shall and may be prosecuted, sued for, and recovered, with Full Costs of Suit in any Court of Record within the Kingdom, Territory, or Place, where the Offence shall be committed, in such and the same Manner as any Debt or Damage, to the Amount of such Forfeiture or Penalty, can or may be sued for and recovered.

[113.] And it is hereby further enacted, That all the Forfeitures and Penalties hereby inflicted shall be divided, paid, and applied, as follows; (that is to say) One Third Part of all such Forfeitures and Penalties recovered in the said Colonies and Plantations, shall be paid into the Hands of One of the Chief Distributors of stamped Vellum, Parchment, and Paper, residing in the Colony or Plantation wherein the Offender shall be convicted, for the Use of His Majesty, His Heirs, and Successors; One Third Part of the Penalties and Forfeitures, so recovered, to the Governor or Commander in Chief of such Colony or Plantation; and the other Third Part thereof, to the Person who shall inform or sue for the same; and that One Moiety of all such Penalties and Forfeitures recovered in any other Part of His Majesty's Dominions, shall be to the Use of His Majesty, His Heirs, and Successors, and the other Moiety thereof, to the Person *who shall inform or sue for the same.*

[114.] And be it further enacted, That all the Offences

which are by this Act made Felony, and shall be committed within any Part of His Majesty's Dominions, shall and may be heard, tried, and determined before any Court of Law within the respective Kingdom, Territory, Colony or Plantation, where the Offence shall be committed, in such and the same Manner as all other Felonies can or may be heard, tried, and determined, in such Court.

[115.] And be it further enacted, That all the present Governors or Commanders in Chief of any *British* Colony or Plantation, shall, before the First Day of *November*, One thousand seven hundred and sixty five, and all who hereafter shall be made Governors or Commander in Chief of the said Colonies or Plantations, or any of them, before their entrance into their Government, shall take a solemn Oath to do their utmost, that all and every the Clauses contained in this present Act be punctually and *bona fide* observed, according to the true Intent and Meaning thereof, so far as appertains unto the said Governor or Commander in Chief respectively, under the like Penalties, Forfeitures, and Disabilities, either for neglecting to take the said Oath, or for wittingly neglecting to do their Duty accordingly, as are mentioned and expressed in an Act made in the Seventh and Eighth Year of the Reign of King *William* the Third, intituled, *An Act for preventing Frauds and regulating Abuses, in the Plantation Trade*; and the said Oath hereby required to be taken, shall be administered by such Person or Persons as hath or have been, or shall be, appointed to administer the Oath required to be taken by the said Act made in the Seventh and Eighth Year of the Reign of King *William* the Third.

[116.] And be it further enacted, That all Records, Writs, Pleadings, and other Proceedings in all Courts whatsoever, and all Deeds, Instruments, and Writings whatsoever, hereby charged, shall be ingrossed and written in such Manner as they have been usually accustomed to be ingrossed and written, or are now ingrossed and written within the said Colonies and Plantations.

[117.] And it is hereby further enacted, That if any Person or Persons shall be sued or persecuted, either in *Great Britain* or *America* for anything done in pursuance of this Act, such Person and Persons shall and may plead the

General Issue, and give this Act and the Special Matter in Evidence; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; And the Plaintiff or Plaintiffs shall become nonsuited, or discontinued in his or their Action after the Defendant or Defendants have appeared, or if Judgment shall be given upon any Demurrer or Motion against the Plaintiff or Plaintiffs, the Defendant or Defendants shall recover Treble Costs and the like Remedy for the same, as Defendants have in Cases by Law.

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**DOCUMENTS ILLUSTRATING
STATE LAND CLAIMS AND CESSIONS,
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DOCUMENTS ILLUSTRATING STATE LAND CLAIMS AND CESSIONS, 1776-1802.

In No. 16 of the *Leaflets* are printed the charters and grants upon which rest the original claims of the various Continental Colonies which later constituted the Union. Most of those grants had been annulled, or the proprietary rights acquired by the Crown. When the Revolution was impending, the boundaries between colonies had been for the most part adjusted; and by the Proclamation of 1763 (*American History Leaflet* No. 5, p. 14) no governors were to "grant warrants of survey or pass patents for any lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or northwest; or upon any lands whatever, which, not having been ceded to or purchased by us, as aforesaid, are reserved to the said Indians, or any of them."

The Revolution brought about several important changes in the territorial conditions of the former Colonies. So soon as the English authority was extinguished, the States which had once had charters asserted that the territory embraced by such charters reverted to them. In the second place, the restriction to land east of the Appalachian water-shed and outside Indian tracts was held to have no more force. In the third place, several communities, notably Vermont, asserted that they were no longer included within the State of which they had been a part while it

was still a colony. And in 1778 Virginia troops conquered the Northwest region, then a part of the English Province of Quebec. The result was confusion and clashing of interests. Western New York and Northern Pennsylvania were claimed by Massachusetts and Connecticut respectively; New York, Massachusetts and Connecticut, and Virginia all claimed the same parcel of territory north of the Ohio River; and the States with strictly defined boundaries, especially Maryland, protested against the appropriation by individual States of lands gained by the common effort of the Revolutionary War.

The controversy delayed the ratification of the Articles of Confederation (*Leaflet* No. 20) and was finally adjusted by a series of agreements between the competing States, and a series of cessions to the Union, not completed till 1802. Most of the documents in this important episode are to be found in the *Journals of Congress* and the *United States Statutes at Large*; reprints in: Hickey, *Constitution of the United States*; Thomas Donaldson, *The Public Domain*; Bioren and Duane, *Land Laws of the United States*; *American State Papers, Public Lands*. Accounts of the controversy are H. B. Adams, *Maryland's Influence upon the Land Cessions to the United States*; (Johns Hopkins University Studies, III., No. 1); B. A. Hinsdale, *The Old Northwest*; F. J. Turner in *American Historical Review*, I., 70, 251; G. T. Curtis, *History of the Constitution*, I., 291—301, (*Constitutional History*, Ch. v.); George Bancroft, *History of the Constitution*, I., 127, 225, II. 100 (*History of the United States*, last revision, VI., 96, 165, 229); J. B. McMaster, *History of the United States*, I., III.; J. Story, *Commentaries on the Constitution*, §§ 227, 228. Bibliography of the subject may be found in Channing and Hart, *Guide to the Study of American History*, § 150; Justin Winsor, *Narrative and Critical History*, VII., 520—534; J. J. Lalor, *Cyclopædia of Political Science*, III., 920.

Historical maps may be found in H. C. Lodge, *North American Colonies*, front; Albert B. Hart, *Epoch Maps*, Nos. 5, 6, 9, (*Formation of the Union*, Nos. 2-4); Labberton, *Historical Atlas* No. lxvi; Gardiner, *School Atlas*, plate 48; W. M. Sloane, *French War and Revolution* (end); T. MacCoun, *Historical Geography*; Edward Channing, *The United States, 1765—1865*; Justin Winsor, *Narrative and Critical History*, vii, 520 et seq.

JUNE, 1776. VIRGINIA CLAIM ASSERTED.

The western and northern extent of *Virginia* shall in all other respects stand as fixed by the charter of king *James* the first, in the year one thousand six hundred and nine, and by the publick treaty of peace between the courts of *Great Britain* and *France* in the year one thousand seven hundred and sixty three; unless, by act of legislature, one or more territories shall hereafter be laid off, and governments established westward of the *Allegheny* mountains.—*Hening, Statutes*, IX, 118.

OCT. 30, 1776. MARYLAND PROTEST.

Resolved unanimously, That it is the opinion of this convention, that the very extensive claim of the state of Virginia to the back lands hath no foundation in justice, and that if the same or any like claim is admitted, the freedom of the smaller states and the liberties of America may be thereby greatly endangered ; this convention being firmly persuaded that if the dominion over those lands should be established by the blood and treasure of the United States, such lands ought to be considered as a common stock, to be parcelled out at proper times into convenient, free and independent governments.—*Conventions of Maryland*, 293.

DEC. 15, 1778. MARYLAND INSTRUCTIONS.

Instructions of the general assembly of Maryland, to George Plater, William Paca, William Carmichael, John Henry, James Forbes and Daniel of St. Thomas Jenifer, esquires.

Gentlemen, having conferred upon you a trust of the highest nature, it is evident we place great confidence in your integrity, abilities and zeal to promote the general welfare of the United States, and the particular interest of this state, where the latter is not incompatible with the former ; but to add greater weight to your proceedings in Congress, and to take away all suspicion that the opinions you there deliver, and the votes you give may be the mere opinions of individuals, and not resulting from your knowledge of the sense and deliberate judgment of the state you represent, we think it our duty to instruct you as followeth on the subject of the confederation, a subject in which unfortunately a supposed difference of interest has produced an almost equal division of sentiments among the several states composing the union : We say a supposed difference of interests ; for if local attachments and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy, founded on the principles of justice, (and no other policy but what is founded on those immutable principles deserves to be called sound,) we flatter ourselves this apparent diversity of interests would soon vanish ; and all the states would confederate on terms mutually advantageous to all ; for they

would then perceive that no other confederation than one so formed can be lasting. Although the pressure of immediate calamities, the dread of their continuance from the appearance of disunion, and some other peculiar circumstances, may have induced some states to accede to the present confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict, that when those causes cease to operate, the states which have thus acceded to the confederation will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights and securing their independence. Is it possible that those states who are ambitiously grasping at territories, to which in our judgment they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those territories, when acquired, than what they have displayed in their endeavours to acquire them? we think not; we are convinced the same spirit which hath prompted them to insist on a claim so extravagant, so repugnant to every principle of justice, so incompatible with the general welfare of all the states, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength to oppress by open force their less wealthy and less powerful neighbours, yet, the depopulation, and consequently the impoverishment of those states, will necessarily follow, which by an unfair construction of the confederation may be stripped of a common interest in, and the common benefits derivable from the western country. Suppose, for instance, Virginia indisputably possessed of the extensive and fertile country to which she has set up a claim, what would be the probable consequences to Maryland of such an undisturbed and undisputed possession? they cannot escape the least discerning.

Virginia, by selling on the most moderate terms a small proportion of the lands in question, would draw into her treasury vast sums of money, and in proportion to the sums arising from such sales, would be enabled to lessen her taxes: lands comparatively cheap and taxes comparatively low, with the lands and taxes of an adjacent state, would quickly *drain the state thus disadvantageously circumstanced of its most useful inhabitants, its wealth; and its consequence in the scale of the confederated states, would sink of course.*

A claim so injurious to more than one half if not to the whole of the United States, ought to be supported by the clearest evidence of the right. Yet what evidences of that right have been produced? what arguments alledged in support either of the evidence or the right; none that we have heard of deserving a serious refutation.

It has been said that some of the delegates of a neighbouring state have declared their opinion of the impracticability of governing the extensive dominion claimed by that state; hence also the necessity was admitted of dividing its territory and erecting a new state, under the auspices and direction of the elder, from whom no doubt it would receive its form of government, to whom it would be bound by some alliance or confederacy, and by whose councils it would be influenced: such a measure, if ever attempted, would certainly be opposed by the other states, as inconsistent with the letter and spirit of the proposed confederation. Should it take place, by establishing a subconfederacy, imperium in imperio, the state possessed of this extensive dominion must then either submit to all the inconveniences of an overgrown and unwieldy government, or suffer the authority of Congress to interpose at a future time, and to lop off a part of its territory to be erected into a new and free state, and admitted into a confederation on such conditions as shall be settled by nine states. If it is necessary for the happiness and tranquility of a state thus overgrown, that Congress should hereafter interfere and divide its territory; why is the claim to that territory now made and so pertinaciously insisted on? we can suggest to ourselves but two motives; either the declaration of relinquishing at some future period a portion of the country now contended for, was made to lull suspicion asleep, and to cover the designs of a secret ambition, or if the thought was seriously entertained, the lands are now claimed to reap an immediate profit from the sale.—We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen states, should be considered as a common property, subject to be parcelled out by Congress into free, convenient and independent governments, in such manner

and at such times as the wisdom of that assembly shall hereafter direct. Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the confederation, unless it be farther explained : we have coolly and dispassionately considered the subject ; we have weighed probable inconveniences and hardships against the sacrifice of just and essential rights ; and do instruct you not to agree to the confederation, unless an article or articles be added thereto in conformity with our declaration : should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederation.

That these our sentiments respecting the confederation may be more publicly known and more explicitly and concisely declared, we have drawn up the annexed declaration, which we instruct you to lay before Congress, to have it printed, and to deliver to each of the delegates of the other states in Congress assembled copies thereof, signed by yourselves or by such of you as may be present at the time of the delivery ; to the intent and purpose that the copies aforesaid may be communicated to our brethren of the United States, and the contents of the said declaration taken into their serious and candid consideration.

Also we desire and instruct you to move at a proper time that these instructions be read to Congress by their secretary, and entered on the journals of Congress.

We have spoken with freedom, as becomes freemen ; and we sincerely wish, that these our representations may make such an impression on that assembly as to induce them to make such addition to the articles of confederation as may bring about a permanent union.—*Journals of Congress*, V. 208—211.

OCT. 30, 1779. REMONSTRANCE OF CONGRESS.

Whereas the appropriation of vacant lands by the several states during the continuance of the war, will in the opinion of Congress, be attended with great mischiefs ; therefore,

Resolved, That it be earnestly recommended to the state of Virginia, to reconsider their late act of assembly for opening their land office ; and that it be recommended to the said

state, and all other states similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war.—*Journals of Congress*, V. 401—402.

SEPT. 6, 1780. CONGRESS URGES CESSION.

Congress took into consideration the report of the committee to whom were referred the instructions of the general assembly of Maryland to their delegates in Congress, respecting the articles of confederation, and the declaration therein referred to, the act of the legislature of New-York on the same subject, and the remonstrance of the general assembly of Virginia; which report was agreed to, and is in the words following :

That having duly considered ~~the several~~ matters to them submitted, they conceive it unnecessary to examine into the merits or policy of the instructions or declaration of the general assembly of Maryland, or of the remonstrance of the general assembly of Virginia, as they involve questions, a discussion of which was declined on mature consideration, when the articles of confederation were debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation; that it appears more advisable to press upon those states which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigour of our councils and success of our measures, to our tranquility at home, our reputation abroad, to our very existence as a free, sovereign and independent people; that they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal union; that they are confirmed in these expectations by a review of the be-

forementioned act of the legislature of New-York, submitted to their consideration; that this act is expressly calculated to accelerate the federal alliance, by removing, as far as depends on that state, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit; whereupon,

Resolved, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several states, and that it be earnestly recommended to those states, who have claims to the western country, to pass such laws, and give their delegates in Congress such powers, as may effectually remove the only obstacle to a final ratification of the articles of confederation; and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles.—*Journals of Congress*, VI. 179—180.

OCT. 10, 1780. PLEDGE OF CONGRESS.

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular state, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states: that each state which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: that the necessary and reasonable expences which any particular state shall have incurred, since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed:

That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.—*Journals of Congress*, VI., 213.

MAR. 1, 1781. NEW YORK CESSION.

To all who shall see these presents, we James Duane, William Floyd, and Alexander M'Dougall, the underwritten, delegates for the State of New-York in the honorable Congress of the United States of America, send greeting :

Whereas, by an act of the Legislature of the said state of New-York, passed at a session held at Albany, in the year of our Lord one thousand seven hundred and eighty, entitled "An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America ;" it is declared that the people of the state of New York, were on all occasions disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depended upon them, the impediment to its final accomplishment, respecting the waste and uncultivated lands within the limits of certain states ; and it is thereby enacted by the people of the said state of New-York, represented in senate and assembly, and by the authority of the same, that it might and should be lawful to and for the delegates of the said state in the honorable Congress, and they or the major part of them, so assembled, are thereby fully authorized and empowered, for and on behalf of that state, and by proper and authentic acts or instruments, to limit and restrict the boundaries of the said state in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part or in the whole, over the lands which may be ceded or relinquished with respect only to the right of pre-emption of the soil : and by the said act it is farther enacted, that the territory which may be ceded or relinquished by virtue thereof, either with respect to the jurisdiction, as well as the right of pre-emption of soil, or the right of pre-emption of soil only, shall be and enure for the use and benefit of such of the United States, as shall become members of the federal alliance of the said states, and for no other use or purpose whatsoever : and by the said act it is provided and enacted that the trust reposed by virtue thereof, shall not be executed by the delegates of it

said state, unless at least three of the said delegates shall be present in Congress: and whereas, by letters patent under the great seal of the said state of New-York, bearing date the 29th day of October last past, reciting that the senate and assembly had, on the 12th day of September then last past, nominated and appointed us, the said James Duane, William Floyd, and Alexander M'Dougall, together with John Morin Scott and Ezra L'Hommedieu, delegates to represent the said state in the Congress of the United States of North America, therefore in pursuance of the said nomination and appointment, the people of the said state of New-York, did thereby commission us, the said James Duane, William Floyd, and Alexander M'Dougall, and the said John Morin Scott and Ezra L'Hommedieu, or any majority who should from time to time attend the said Congress; and if only one of the said delegates should at any time be present in the said Congress, he should in such case, be authorized to represent the said state in the said Congress, as by an authentic copy of the said act, and an exemplification of the said commission, remaining among the archives of Congress, fully appears.

Now therefore know ye, that we, the said James Duane, William Floyd, and Alexander M'Dougall, by virtue of the power and authority, and in the execution of the trust reposed in us as aforesaid, have judged it expedient to limit and restrict, and we do by these presents, for and in behalf of the said state of New-York, limit and restrict the boundaries of the said state in the western parts thereof, with respect to the jurisdiction, as well as the right or pre-emption of soil, by the lines and in the form following, that is to say: a line from the north east corner of the state of Pennsylvania, along the north bounds thereof to its northwest corner continued, due west, until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through the most westerly bent or inclination of lake Ontario; thence by the said meridian line to the forty-fifth degree of north latitude: and thence by the said forty-fifth degree of north latitude: but if on experiment, the *above described* meridian line shall not comprehend twenty miles due west from the most westerly bent or inclination of *the river or strait of Niagara*, then we do by these presents,

in the name of the people, and for and on behalf of the state of New-York, and by virtue of the authority aforesaid, limit and restrict the boundaries of the said state in the western parts thereof, with respect to jurisdiction, as well as the right of pre-emption of soil, by the lines and in the manner following, that is to say; a line from the north east corner of the state of Pennsylvania, along the north bounds thereof, to its north west corner, continued due west until it shall be intersected by a meridian line to be drawn from the forty-fifth degree of north latitude, through a point twenty miles due west from the most westerly bent or inclination of the river or strait Niagara; thence by the said meridian line to the forty-fifth degree of north latitude, and thence by the said forty-fifth degree of north latitude: And we do by these presents, in the name of the people, and for and on behalf of the state of New-York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and forever relinquish to, and for the only use and benefit of such of the states as are or shall become parties to the articles of confederation, all the right, title, interest, jurisdiction and claim, of the said state of New-York to all lands and territories to the northward and westward of the boundaries, to which the said state is in manner aforesaid limited and restricted, and to be granted, disposed of, and appropriated in such manner only, as the Congress of the said United or Confederated States shall order and direct.—*Journals of Congress*, VII., 46-48.

DEC. 30, 1782- DECISION OF ARBITRATORS IN
CONNECTICUT-PENNSYLVANIA CASE.

Monday, 30th December, 1782.

The court met—Present as before.

The agents attending.

The court pronounced the following sentence or judgment :

This cause has been well argued by the learned council on both sides. The court are now to pronounce their sentence or judgment :

We are unanimously of opinion, that the state of Connecticut has no right to the lands in controversy.

We are also unanimously of opinion, that the jurisdiction

and pre-emption of all the territory lying within the charter boundary of Pennsylvania, and now claimed by the state of Connecticut, do of right belong to the state of Pennsylvania.—*Journals of Congress*.—VIII. 83-84.

APRIL 18, 1783. CONGRESS URGES CESSION.

Resolved * * * That as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of Congress of the 6th of September and 10th of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended, and to the states which may have passed acts complying with the said resolutions in part only, to revise and compleat such compliance.—[In the vote submitting the revenue amendment.]—*Journals of Congress*, VIII., 188.

DEC. 20, 1783. VIRGINIA CESSION.

TO ALL who shall see these presents, We, Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, the underwritten delegates for the commonwealth of Virginia, in the Congress of the United States of America, send greeting.

WHEREAS the general assembly of the commonwealth of Virginia, at their sessions begun on the 20th day of October, 1783, passed an act entitled "An Act to authorize the Delegates of this State in Congress, to convey to the United States in Congress assembled, all the Right of this Commonwealth to the Territory North Westward of the River Ohio," in these words following, to wit :

I. "WHEREAS, the Congress of the United States did, by their Act of the sixth day of *September*, in the year one thousand seven hundred and eighty, recommend to the several States in the Union, having claims to waste and unappropriated lands in the Western Country, a liberal Cession to the United States, of a portion of their respective claims for the common benefit of the Union.

II. AND whereas this Commonwealth did, on the second day of *January*, in the year one thousand seven hundred

and eighty-one, yield to the Congress of the United States, for the benefit of the said States, all right, title, and claim, which the said Commonwealth had to the territory North-west of the river *Ohio*, subject to the conditions annexed to the said act of cession.

III. AND whereas the United States in Congress assembled, have by their Act of the thirteenth of *September* last, stipulated the terms on which they agree to accept the cession of this State, should the Legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived on the whole, to approach so nearly to them, as to induce this State to accept thereof, in full confidence that Congress will, in justice to this State for the liberal Cession she hath made, earnestly press upon the other States claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the Union :

Be it enacted by the General Assembly, that it shall and may be lawful for the Delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said Delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this state, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the *Virginia* charter, situate, lying, and being to the North-west of the river *Ohio*, subject to the terms and conditions contained in the before recited Act of Congress of the thirteenth day of *September* last, that is to say: Upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the States so formed, shall be distinct Republican States, and admitted members of the Foederal Union having the same rights of sovereignty, freedom, and independence, as the other States; that the necessary and reasonable expences

incurred by this State in subduing any *British* posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory so ceded or relinquished, shall be fully reimbursed by the United States; and that one Commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two Commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expenses incurred by this State, which they shall judge to be comprised within the intent and meaning of the Act of Congress of the tenth of *October*, one thousand seven hundred and eighty, respecting such expences. That the *French* and *Canadian* inhabitants, and other settlers of the *Kaskaskies*, *St. Vincents*, and the neighbouring villages, who have professed themselves citizens of *Virginia*, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then Colonel, now General *George Rogers Clarke*, and to the officers and soldiers of his regiment, who marched with him when the posts of *Kaskaskies* and *St. Vincents* were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the North-west side of the *Ohio* as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion according to the laws of *Virginia*. That in case the quantity of good lands on the South-east side of the *Ohio*, upon the waters of *Cumberland* river, and between the *Green* river, and *Tennessee* river, which have been reserved by law for the *Virginia* troops upon Continental establishment, should, from the *North-Carolina* line bearing in further upon the *Cumberland* lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the rivers *Scioto* and *Little Miami*, on the North-west side of the river *Ohio*, in such proportions as have been engaged to them by the laws of *Virginia*. [That all the lands within the territory so ceded to the United States, and not reserved for or appropriated

to any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the *American* army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederation or Foederal Alliance of the said States, *Virginia* inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever. *Provided*, that the trust hereby reposed in the Delegates of this State shall not be executed unless three of them, at least, are present in Congress."—*Acts of Assembly, 1736—1794, pp. 15—16.*

AND WHEREAS the said general assembly, by their resolution of June sixth, one thousand seven hundred and eighty-three, had constituted and appointed us the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said commonwealth in Congress for one year, from the first Monday in November then next following, which resolution remains in full force: Now THEREFORE KNOW YE, that we the said Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, by virtue of the power and authority committed to us by the act of the said general assembly of Virginia before recited, and in the name, and for and on behalf of the said commonwealth, do by these presents convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said states, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the north-west of the river Ohio, to and for the uses and purposes, and on the conditions of the said recited act, —*Journals of Congress, IX., 67—70.*

APRIL 29, 1784. CONGRESS URGES CESSION.

Congress by their resolution of September 6, 1780, having thought it adviseable to press upon the states having claims to the western country, a liberal surrender of a portion of their territorial claims; by that of the 10th of October, in the

same year, having fixed conditions to which the union should be bound on receiving such cessions : and having again proposed the same subject to those states, in their address of April 18th, 1783, wherein, stating the national debt, and expressing their reliance for its discharge, on the prospect of vacant territory, in aid of other resources, they, for that purpose, as well as to obviate disagreeable controversies and confusions, included in the same recommendations, a renewal of those of September 6th, and of October the 10th, 1780 ; which several recommendations have not yet been fully complied with :

Resolved, That the same subject be again presented to the attention of the said states ; that they be urged to consider that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as from foreigners ; these several creditors have a right to expect that funds shall be provided on which they may rely for indemnification ; that Congress still consider vacant territory as an important resource : and that therefore the said states be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the union."— *Journals of Congress*, IX., 184-5.

APRIL 19, 1785. MASSACHUSETTS CESSION.

To all who shall see these presents, we Samuel Holten and Rufus King, the underwritten delegates for the commonwealth of Massachusetts in the Congress of the United States of America, send greeting.

Whereas the general court of Massachusetts, on the thirteenth day of November, in the year of our Lord one thousand seven hundred and eighty four, passed an act entitled, "An Act empowering the Delegates of this Commonwealth, in the United States in Congress assembled, to relinquish to the United States certain Lands, the Property of this Commonwealth," in the words following : "WHEREAS several of the States in the union, have at present no interest in the great and extensive tract of uncultivated country, lying in the westerly part of the United States, and it may be reasonable that the States abovementioned should be interested in the aforesaid country :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the delegates of this Commonwealth, in the United States in Congress assembled, or any three of the said delegates, be, and they hereby are authorized and empowered for and in behalf of this Commonwealth, to cede or relinquish, by authentic conveyance or conveyances, to the United States, to be disposed of for the common benefit of the same, agreeably to a resolve of Congress, of *October* the tenth, one thousand seven hundred and eighty, such part of that tract of land belonging to this Commonwealth, which lies between the rivers *Hudson* and *Mississippi*, as they may think proper; and to make the said cession in such manner and on such conditions as shall appear to them to be most suitable." And whereas the said general court, on the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty five, passed one other act entitled, "An Act in Addition to an Act, entitled 'An Act empowering the Delegates of this Commonwealth, in the United States in Congress assembled, to relinquish to the United States, certain Lands the Property of this Commonwealth,'" in the words following: "WHEREAS *by the act aforesaid, three delegates representing this State in Congress, are necessary to make the cession aforesaid, and it may be necessary that the said business should be performed by a less number of the said delegates: Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any two delegates representing this Commonwealth in Congress, be, and hereby are authorized and empowered, to do and perform all matters and things which by the act aforesaid might be done and performed by any three delegates as aforesaid, anything in the aforesaid act notwithstanding." And whereas the said general court on the seventeenth day of June, in the aforesaid year of our Lord one thousand seven hundred and eighty four, did nominate and appoint the aforesaid Samuel Holten, and on the third day of November following, the aforesaid Rufus King, delegates to represent the said commonwealth of Massachusetts in the Congress of the United States of America, for one year, from the first Monday of November in the said year, one thousand seven hundred a

eighty four, which appointment remains in full force. Now, therefore, know ye, that we the said Samuel Holten and Rufus King, by virtue of the power and authority to us committed by the said acts of the general court of Massachusetts before recited, in the name, and for and on behalf of the said commonwealth of Massachusetts, do by these presents, assign, transfer, quit claim, cede and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title and estate of and in as well the soil as the jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Massachusetts charter, situate and lying west of the following line—That is to say, a meridian line to be drawn from the forty-fifth degree of north latitude, through the westerly bent or inclination of lake Ontario, thence by the said meridian line, to the most southerly side line of the territory contained in the Massachusetts charter; but if on experiment the above described meridian line shall not comprehend twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do by these presents by virtue of the power and authority aforesaid, in the name and on behalf of the said commonwealth of Massachusetts, transfer, quit claim, cede and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title and estate, of and in as well the soil as the jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Massachusetts charter, situate and lying west of the following line—That is to say, a meridian line to be drawn from the forty-fifth degree of north latitude through a point twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara; thence by the said meridian line to the most southerly side line of the territory, contained in the Massachusetts charter aforesaid, for the purposes in the said recited acts declared, and to the uses in a resolve of Congress, of the tenth day of October, one thousand seven hundred and eighty, mentioned.—*Acts and Laws of Massachusetts*, 1783—1789, pp. 218, 273—274.—*Journals of Congress*, X., 128—130.

SEPT. 14, 1786. FIRST CONNECTICUT CESSION.

To all who shall see these presents, we, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the state of Connecticut, in the Congress of the United States, send greeting. Whereas the general assembly of the state of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty six, passed an act in the words following, viz : " Be it enacted by the governor, council and representatives in general court assembled, and by the authority of the same, that the delegates of this state, or any two of them who shall be attending the Congress of the United States, be and they are hereby directed, authorized and fully empowered in the name and behalf of this state, to make, execute and deliver, under their hands and seals, an ample deed of release and cession of all the right, title, interest, jurisdiction and claim, of the state of Connecticut to certain western lands, beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, and from thence by a line drawn north, parallel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees and two minutes north latitude. Whereby all the right, title, interest, jurisdiction and claim of the state of Connecticut, to the lands lying west of said line to be drawn as aforementioned, one hundred and twenty miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by said commonwealth, shall be included, released and ceded to the United States in Congress assembled, for the common use and benefit of the said states, Connecticut inclusive." * * * Now therefore know ye, that we the said William Samuel Johnson and Jonathan Sturges, by virtue of the power and authority to us committed by the said act of the general assembly of Connecticut, before recited, in the name, and for and on behalf of the said state of Connecticut, do, by these presents assign, transfer, quit claim, cede and convey to the United States of America, for their benefit, Connecticut inclusive, all the right, title, interest, jurisdiction and claim which

the said state of Connecticut hath in and to the beforementioned and described territory or tract of country, as the same is bounded and described in the said act of assembly, for the uses in the said recited act of assembly declared.—*Journals of Congress*, XI., 221–223.

APRIL 24, 1787. SETTLEMENT BETWEEN GEORGIA
AND SOUTH CAROLINA.

Now, therefore, know ye, That the underwritten commissioners on the part of the states of South-Carolina and Georgia respectively, having by mutual consent assembled at the town of Beaufort, in the state of South-Carolina, on the twenty-fourth day of this present month of April, in order to the due execution of their respective trusts, and having reciprocally exchanged and considered their full powers, and declared the same legal, and forever binding on both states, and having conferred together on the most effectual means of adjusting the differences subsisting between the two states, and of establishing and permanently fixing a boundary between them, have agreed, and by these presents for and in behalf of their respective states, do mutually agree to the following articles, that is to say:

ARTICLE THE FIRST.

The most northern branch or stream of the river Savannah, from the sea or mouth of such stream to the fork or confluence of the rivers now called Tugalo and Keowee; and from thence the most northern branch or stream of the said river Tugalo, till it intersects the northern boundary line of South-Carolina, if the said branch or stream of Tugalo extends so far north, reserving all the islands in the said rivers Savannah and Tugalo, to Georgia; but if the head spring or source of any branch or stream of the said river Tugalo does not extend to the north boundary line of South-Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugalo River, which extends to the *highest* northern latitude, shall forever hereafter form the *separation, limit and boundary* between the states of South-Carolina and Georgia.

ARTICLE THE SECOND.

The navigation of the river Savannah, at and from the bar and mouth, along the northeast side of Cockspur Island, and up the direct course of the main northern channel, along the northern side of Hutchinson's Island, opposite the town of Savannah, to the upper end of the said island, and from thence up the bed or principal stream of the said river to the confluence of the rivers Tugalo and Keowee, and from the confluence up the channel of the most northern stream of Tugalo River to its source, and back again by the same channel to the Atlantic Ocean—is hereby declared to be hence forth equally free to the citizens of both states, and exempt from all duties, tolls, hinderance, interruption and molestation whatsoever, attempted to be enforced by one state on the citizens of another; and all the rest of the river Savannah to the southward of the foregoing description is acknowledged to be the exclusive right of the state of Georgia.

ARTICLE THE THIRD.

The state of South-Carolina shall not hereafter claim any land, to the eastward, southward, southeastward or west of the boundary above established, but hereby relinquishes and cedes to the state of Georgia all the right, title and claim which the said state of South-Carolina hath to the government, sovereignty and jurisdiction in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim which the state of South-Carolina hath in or to the said land.

ARTICLE THE FOURTH.

The state of Georgia shall not hereafter claim any lands to the northward or northeastward of the boundary above established, but hereby relinquishes and cedes to the state of South-Carolina all the right, title and claim which the said state of Georgia hath to the government, sovereignty and jurisdiction in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property and claim which the state of Georgia hath in or to the said lands.

ARTICLE THE FIFTH.

The lands heretofore granted by either of the said states, between the forks of Tugalo and Keowee shall be the private property of the first grantees, and their respective heirs and assigns; and the grantees of any of the said lands under the state of Georgia shall, within twelve months from the date hereof, cause such grants or authentic copies thereof, ratified under the seal of the state of Georgia, to be deposited in the office of the secretary of the state of South-Carolina, to the end that the same may be recorded there; and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said secretary their respective grants, or the copies thereof, whichever may have been so deposited, without any charge or fee of office whatsoever; and every grant which shall not, or of which the copy certified as above mentioned shall not be so deposited, shall be adjudged void.

ARTICLE THE SIXTH.

The commissioners on the part of the state of South-Carolina do not by any of the above articles mean to cede, relinquish or weaken the right, title and claim of any of the individual citizens of the state of South-Carolina to any lands situated in Georgia, particularly to the lands situated to the south or southwest of the river Alatamaha, and granted during the administration of governor Boone, in the year one thousand seven hundred and sixty-three; and they do hereby declare, that the right and title of the said citizens to the same is and ought to remain as full, strong and effectual as if this convention had not been made. The commissioners on the part of the state of Georgia do decline entering into any negotiation relative to the lands mentioned in this article, as they conceive they are not authorized so to do by the powers delegated to them.—Marbury and Crawford, *Digest of the Laws of Georgia*, pp. 664-665,—*Journals of Congress*, XII., 133-135.

AUG. 9, 1787. SOUTH CAROLINA CESSION.

To all who shall see these presents:
We, John Kean and Daniel Huger, the underwritten dele-

gates for the state of South-Carolina, in the Congress of the United States, send greeting :

WHEREAS the general assembly of the state of South-Carolina, on the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, passed an act in the words following, viz, "An Act to authorize the Delegates of this State in Congress, to convey to the United States in Congress assembled, all the Right of this State to the Territory herein described :

WHEREAS the Congress of the United States did on the 6th day of September, 1780, recommend to the several States in the Union having claims to western territory, to make a liberal cession to the United States of a portion of their respective claims for the common benefit of the Union : And whereas this State is willing to adopt every measure which can tend to promote the honor and dignity of the United States, and strengthen their foederal Union :

Be it therefore enacted [by the honorable the senate and house of representatives, in general assembly met, and sitting and by the authority of the same] That it shall and may be lawful for the Delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and they are hereby fully authorized and empowered, for and on behalf of this State by proper deeds or instruments in writing, under their hands and seals, to convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said States, all right, title and claim as well of soil as jurisdiction which this State hath to the territory or tract of country within the limits of the charter of South-Carolina, situate, lying and being within the boundaries and lines hereinafter described ; that is to say, all the territory or tract of country included within the river Mississippi, and a line beginning at that part of the said river which is intersected by the southern boundary line of the State of North-Carolina, and continuing along the said boundary line, until it intersects the ridge or chain of mountains which divides the eastern from the western waters, then to be continued along the top of the said ridge of mountains, until it intersects a line to be drawn due west from the head of the southern branch of Tugoloo river to the said mountains ; and thence to run a due west course to

the river Mississippi.—[In the senate house, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the independence of the United States of America. John Lloyd, president of the senate ;—John Julius Pringle, speaker of the house of representatives.”] And whereas the said John Kean, and Daniel Huger, were on the sixth day of March, one thousand seven hundred and eighty-seven, elected delegates to represent the state of South-Carolina, according to the law of said state, in the Congress of the United States until the first Monday in November, in the said year one thousand seven hundred and eighty-seven, which election remains in full force, and the said John Kean and Daniel Huger are the lawful delegates of said state, in the Congress of the United States ; Now therefore, Know Ye, that we, the said John Kean and Daniel Huger, by virtue of the power and authority to us committed by the said act of the general assembly of South-Carolina before recited, in the name, and for and in behalf of the state of South-Carolina, do by these presents, assign, transfer, quit claim, cede and convey to the United States of America, for their benefit, (South-Carolina inclusive) all the right, title, interest, jurisdiction and claim which the state of South-Carolina hath in and to the before mentioned and described territory or tract of country, as the same is bounded and described in the said act of assembly, for the uses in the said recited act of assembly declared.—Grimké, *The Public Laws of South Carolina*, 415—*Journals of Congress*, XII., 137-138.

DEC. 30, 1788. VIRGINIA MODIFICATION.

I. Whereas the United States in Congress assembled, did, on the seventh day of *July*, in the year of our Lord one thousand seven hundred and eighty-six, state certain réasons, shewing that a division of the Territory which hath been ceded to the said United States by this Commonwealth, into States, in conformity to the terms of Cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the Act of Cession, *so far as to empower Congress to make such a division of the said Territory into distinct and republican States, not*

more than five, nor less than three in number, as the situation of that Country and future circumstances might require: And the said United States in Congress assembled, have in an ordinance for the government of the Territory Northwest of the river *Ohio*, passed on the thirteenth of *July*, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original States, and the People and States in the said Territory, viz,

That there shall be formed in the said Territory not less than three, nor more than five States, and the bounderies of the said States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The Western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers, a direct line drawn from the Wabash and Post Vincent's due north to the territorial line, between the United States and Canada, and by the said territorial line to the Lake of the Wood and Mississippi.

The middle State shall be bounded by the said direct line, the Wabash from Post Vincent's to the Ohio, by the Ohio, by a direct line drawn due North from the mouth of the Great Miami to the said territorial line, and by the said territorial line.

The Eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line.

Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies North of an East and West line, drawn through the Southerly bend or extreme of lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its Delegates into the Congress of the United States, on an equal footing with the original States in all respects whatsoever, and shall be at liberty to form a permanent Constitution and State Government, provided the Constitution and Government so to be formed shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

And it is expedient that this Commonwealth do assent to the proposed alteration so as to ratify and confirm the said Article of Compact between the original States, and the People and States in the said Territory.

II. *Be it therefore enacted by the General Assembly*, That the afore-recited Article of Compact between the original States, and the People and States in the Territory North-west of *Ohio* river, be, and the same is hereby ratified and confirmed, anything to the contrary, in the deed of Cession of the said Territory by this Commonwealth to the United States, notwithstanding.—*Acts of Assembly, 1736–1794, p. 47.*

DEC. 22, 1789. NORTH CAROLINA CESSION.

“An Act for the Purpose of ceding to the United States of America, certain Western Lands therein described.

WHEREAS the United States in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union claiming or owning vacant Western Territory, to make Cessions of Part of the same, as a further Means, as well of hastening the Extinguishment of the Debts, as of establishing the Harmony of the United States; and the Inhabitants of the said Western Territory being also desirous that such Cession should be made, in order to obtain a more ample Protection than they have heretofore received: Now this State, being ever desirous of doing ample Justice to the public Creditors, as well as the establishing the Harmony of the United States, and complying with the reasonable Desires of her Citizens:

Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That the Senators of this State in the Congress of the United States, or one of the Senators and any two of the Representatives of this State in the Congress of the United States, are hereby authorized, empowered and required to execute a Deed or Deeds on the Part and Behalf of this State, conveying to the United States of *America*, all Right, Title, and Claim which this State has to the Sovereignty and Territory of the Lands situate within the chartered Limits of this State, West of a Line beginning on the extreme Height of the *Stone Mountain*, at the Place where the *Virginia* line intersects

it; running thence along the extreme Height of the said Mountain, to the Place where *Wataugo* River breaks through it, thence a direct Course to the Top of the *Yellow Mountain*, where *Bright's* Road crosses the same, thence along the ridge of said Mountain between the Waters of *Doe* River and the Waters of *Rock* Creek, to the Place where the Road crosses the *Iron Mountain*, from thence along the extreme Height of said Mountain, to where *Nolichucky* River runs through the same, thence to the Top of the *Bald Mountain*, thence along the extreme Height of the said Mountain to the *Painted Rock*, on *French-Broad* River, thence along the highest Ridge of the said Mountain, to the Place where it is called the *Great-Iron* or *Smoaky Mountain*, thence along the extreme Height of the said Mountain, to the Place where it is called *Unicoy* or *Unaka Mountain*, between the *Indian* towns of *Cowee* and *Old Chota*, thence along the main Ridge of the said Mountain, to the Southern Boundary of this State, upon the following express Conditions, and Subject thereto: *That is to say,*

First. That neither the Lands nor Inhabitants Westward of the said Mountain shall be estimated, after the Cession made by Virtue of this Act shall be accepted, in the ascertaining the Proportion of this State with the United States in the common Expence occasioned by the late war.

Secondly. That the Lands laid off, or directed to be laid off, by any Act or Acts of the General Assembly of this State, for the Officers and Soldiers thereof, their Heirs and Assigns respectively, shall be and enure to the Use and Benefit of the said Officers, their Heirs and Assigns respectively; and if the Bounds of the said Lands already prescribed for the Officers and Soldiers of the continental Line of this State, shall not contain a sufficient Quantity of Lands fit for Cultivation, to make good the several Provisions intended by Law, that such Officer or Soldier, or his Assignee, who shall fall short of his Allotment or Proportion after all the Lands fit for cultivation within the said Bounds are appropriated, be permitted to take his Quota, or such Part thereof as may be deficient, in any other Part of the said Territory intended to be ceded by Virtue of this Act, not already appropriated. And where Entries have been made agreeable to Law, and Titles under them not perfected by Grant or otherwise, then

and in that Case, the Governor for the Time being shall, and he is hereby required to perfect, from Time to Time, such Titles, in such Manner as if this Act had never been passed; and that all Entries made by, or Grants made to all and every Person and Persons whatsoever, agreeable to Law, and within the Limits hereby intended to be ceded to the United States, shall have the same Force and Effect as if such Cession had not been made, and that all and every Right of Occupancy and Pre-Emptions, and every other Right reserved by any Act or Acts to Persons settled on and occupying Lands within the Limits of the Lands hereby intended to be ceded as aforesaid, shall continue to be in full Force in the same Manner as if the Cession had not been made, and as Conditions upon which the said Lands are ceded to the United States. And further, it shall be understood, that if any Person or Persons shall have, by Virtue of the Act, entitled *An Act for Opening the Land Office, for the Redemption of Specie and other Certificates, and discharging the Arrears due to the Army,* passed in the Year one thousand seven hundred and eighty three, made his or their Entry in the Office usually called *John Armstrong's* Office, and located the same to any Spot or Piece of Ground on which any other Person or Persons shall have previously located any Entry or Entries; that then and in that Case, the Person or Persons having made such Entry or Entries, or their Assignee or Assignees, shall have leave and be at full Liberty to remove the Location of such Entry or Entries to any Lands on which no Entry has been specially located, or any vacant Lands included within the Limits of the Lands hereby intended to be ceded. *Provided*, That Nothing herein contained, shall extend or be construed to extend to the making good any Entry or Entries, or any Grant or Grants heretofore declared void by any Act or Acts of the General Assembly of this State.

Thirdly. That, all the Lands intended to be ceded by Virtue of this Act, to the United States of *America*, and not appropriated as before mentioned, shall be considered as a common Fund for the Use and Benefit of the United States of *America*, *North-Carolina* inclusive, according to their *respective* and usual Proportion in the general Charge and *Expenditure*, and shall be faithfully disposed of for that Purpose, and for no other Use or Purpose whatever.

Fourthly. That the Territory so ceded, shall be laid out and formed into a State or States, containing a suitable Extent of Territory, the Inhabitants of which shall enjoy all the Privileges, Benefits and Advantages set forth in the Ordinance of the late Congress for the Government of the Western Territory of the United States; *that is to say*, Whenever the Congress of the United States shall cause to be officially transmitted to the Executive Authority of this State, an authenticated Copy of the Act to be passed by the Congress of the United States, accepting of the Cession of Territory made by Virtue of this Act, under the express Conditions hereby specified, the said Congress shall at the same Time assume the Government of the said ceded Territory, which they shall execute in a Manner similar to that which they support in the Territory West of the *Ohio*, shall protect the Inhabitants against Enemies, and shall never bar or deprive them or any of them, of privileges which the People in the Territory West of the *Ohio* enjoy. *Provided always*, That no Regulations made or to be made by Congress, shall tend to emancipate Slaves.

Fifthly. That the Inhabitants of the said ceded Territory shall be liable to pay such Sums of Money as may, from taking their Census, be their just Proportion of the Debt of the United States, and the Arrears of the Requisitions of Congress on this State.

Sixthly. That all Persons indebted to this State, residing in the Territory intended to be ceded by Virtue of this Act, shall be held and deemed liable to pay such Debt or Debts in the same Manner, and under the same Penalty or Penalties, as if this Act had never been passed.

Seventhly. That if the Congress of the United States do not accept the Cession hereby intended to be made, in due Form, and give official Notice thereof to the Executive of this State, within eighteen Months from the passing of this Act, then this Act shall be of no force or Effect whatsoever.

Eighthly. That the laws in Force and Use in the State of *North-Carolina*, at the Time of passing this Act, shall be and continue in full Force within the Territory hereby ceded, until the same shall be repealed, or otherwise altered by the Legislative Authority of the said Territory.

Ninthly. That the Lands of Non-resident Proprietors,

within the said ceded Territory, shall not be taxed higher than Lands of Residents.

Tenthly. That this Act shall not prevent the People now residing South of *French-Broad*, between the Rivers *Tennessee* and *Pidgeon*, from entering their Pre-Emptions on that Tract, should an Office be opened for that Purpose under an Act of the present General Assembly.

II. *AND be it further enacted by the Authority aforesaid,* That the Sovereignty and Jurisdiction of this State, in and over the Territory aforesaid, and all and every the Inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the Cession to be made by Virtue of this Act, as if this Act had never passed."—Iredell, *Laws of North Carolina*, (1715-1791), pp. 663-6.—*American State Papers, Public Lands*, I., 108-9.

OCT 7, 1790. NEW YORK'S RECOGNITION OF VERMONT.

To all to whom these presents shall come :

Be it known, that Robert Yates, John Lansing, junior, Gulian Verplank, Simeon DeWitt, Egbert Benson and Melancton Smith, commissioners, appointed by an act of the legislature of the State of New York, entitled "An act appointing commissioners with powers to declare the consent of the legislature of this State, that a certain territory within the jurisdiction thereof should be formed into a new State," passed the 6th day of March last:—Do hereby, by virtue of the powers to them granted for the purpose, declare the consent of the legislature of the State of New York, that the community now actually exercising independent jurisdiction, as the STATE OF VERMONT, be admitted into the United States of America, and that immediately from such admission all claim of jurisdiction from the State of New York, within the State of Vermont, shall cease, and thenceforth the perpetual boundary line between the State of New York and the State of Vermont shall be as follows, viz:—Beginning at the northwest corner of the State of Massachusetts, thence westward along the south boundary of the township of Pownal, to the southwest corner thereof, thence northerly, along the western boundaries of the townships of Pownal, Bennington, Shaft-

bury, Arlington, Sandgate, Rupert, Pawlet, Wells, and Poultney, as the said townships are now held or possessed, to the river, commonly called Poultney river, thence down the same, through the middle of the deepest channel thereof, to East Bay, thence through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicates with Lake Champlain, thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle La Motte, to the forty-fifth degree of north latitude. And the said commissioners do hereby declare the will of the legislature of the State of New York, that if the legislature of the State of Vermont shall, on or before the first day of January, in the year one thousand seven hundred and ninety-two, declare, that the State of Vermont shall, on or before the first day of June, in the year one thousand seven hundred and ninety-four, pay to the State of New York the sum of thirty thousand dollars, that immediately from such declaration by the legislature of the State of Vermont, all rights and titles to lands within the State of Vermont, under grants from the government of the late colony of New York, or from the State of New York, except as hereinafter excepted, shall cease; or, if the legislature of the State of Vermont shall not elect to make such declaration, then that, except in cases where the grants from New York were intended as confirmations of grants from New Hampshire, all rights and titles under grants from the government of the late colony of New York, or from the State of New York, to lands within the State of Vermont which may have been granted by the governor of the late colony of New Hampshire, shall cease; and the boundaries, according to which such grants from the government of the late colony of New Hampshire have been held or possessed, shall be deemed to be the true boundaries. And the said commissioners do hereby further declare the will of the legislature of the State of New York, that all rights and titles to lands within the State of Vermont under grants from the government of the late colony of New York, or from the State of New York, and not granted by the government of the late colony of

New Hampshire, shall be suspended until the expiration of three years after the governor of the State of Vermont, for the time being, shall have been notified that a commissioner, to be appointed by the State of New York, after the first day of January, in the year one thousand seven hundred and ninety-two, and to reside and hold a public office at the city of Albany, shall have entered upon the execution of his office; and if, within one year after such notification, there shall be delivered to such commissioner, either the original or a certified abstract, containing the date, the names of the grantees, and the boundaries of a grant from New York; and if, thereupon, at any time before the expiration of the said term of three years above mentioned, there shall be paid to such commissioner at the rate of ten cents per acre for the whole or any parcel of the lands contained in such grant from New York, all right and title under such grant shall, in respect to the lands for which payment shall be made, cease, and a receipt under the hand and seal of such commissioner, specifying the lands for which payment shall be made, shall be evidence of the payment. And in default of delivering the original, or such certified abstract of the grant, to the commissioner, within the said term of one year, for that purpose above limited, all right and title under the grant, in respect of which there shall be such default of delivery, shall cease; but where the original or certified abstract of the grant shall be duly delivered to the commissioners, and if thereupon payment shall not be duly made to the commissioners, the right and the title under the grant, in respect to the lands for which payment shall not be made, shall remain, and suits for the recovery of such lands may be prosecuted in the ordinary course of law, provided the suit be commenced within ten years after the State of Vermont shall have been admitted into the Union of the United States, otherwise the right and title under the grant from New York shall in such case also cease.—*Records of the Governor and Council of Vermont*, III., 459-460.

MAY 30, 1800. CONNECTICUT CESSION OF THE
WESTERN RESERVE.

To all who shall see these presents, I, Jonathan Trumbull, governor of the State of Connecticut, send greeting:

Whereas the general assembly of the State of Connecticut, at their session holden in Hartford on the second Thursday of May, one thousand and eight hundred, passed an act entitled "An act renouncing the claims of this State to certain lands therein mentioned," in the words following, to wit: "Whereas the Congress of the United States, at their session begun and holden in the city of Philadelphia, on the first Monday of December, in the year one thousand seven hundred and ninety-nine, made and passed an act in the words following, to wit: [here follows the act of Congress of the 28th of April, 1800:] therefore, in consideration of the terms, and in compliance with the provisions and conditions of the said act, Be it enacted by the governor and council, and house of representatives, in general court assembled, that the State of Connecticut doth hereby renounce forever for the use and benefit of the United States, and of the several individual States, who may be therein concerned respectively, and of all those deriving claims or titles from them, or any of them, all territorial and jurisdictional claims whatever, under any grant, charter, or charters whatever, to the soil and jurisdiction of any and all lands whatever, lying westward, northwestward, and southwestward, of those counties in the State of Connecticut, which are bounded westwardly by the eastern line of the State of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three; excepting only from this renunciation, the claim of the said State of Connecticut, and of those claiming from or under the said State of Connecticut, to the soil of said tract of land, in said act of Congress described under the name of the Western Reserve of Connecticut. And be it further enacted, That the governor of this State for the time being, be, and hereby is, empowered, in the name and behalf of this State, to execute and deliver to the acceptance of the President of the United States, a deed of the form and tenor directed by the said act of Congress, expressly releasing to the United States the jurisdictional claims of the State of Connecticut, to all that territory called the Western Reserve of Connecticut, according to the description thereof in said act of Congress, and in as full and ample manner as therein is required."

Therefore, know ye, that I, Jonathan Trumbull, governor

of the State of Connecticut, by virtue of the powers vested in me, as aforesaid, do, by these presents, in the name and for and on behalf of the said State, remise, release, and forever quit claim, to the United States, the jurisdictional claim of the State of Connecticut, to all that tract of land called in the aforesaid act of Congress, the Western Reserve of Connecticut, and as the same therein under that name is particularly and fully described.

APRIL 24, 1802. GEORGIA CESSION.

Articles of agreement and cession, entered into on the twenty-fourth day of April, one thousand eight hundred and two, between the commissioners appointed on the part of the United States, by virtue of an act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a Government in the Mississippi territory" and of the act supplemental to the last mentioned act, on the one part, and the commissioners appointed on the part of the State of Georgia, by virtue of an act, entitled "An act to carry the twenty-third section of the first article of the constitution into effect," and of the act to amend the last mentioned act, on the other part.

ARTICLE I. The State of Georgia cedes to the United States all the right, title, and claim, which the said State has to the jurisdiction and soil of the lands situated within the boundaries of the United States, south of the State of Tennessee, and west of a line, beginning on the western bank of the Chattahoochee river, where the same crosses the boundary line between the United States and Spain; running thence up the said river Chattahoochee, and along the western bank thereof, to the great bend thereof, next above the place where a certain creek or river, called "Uchee," (being the first considerable stream on the western side, above the Cussetas and Coweta towns,) empties into the said Chattahoochee river; thence, in a direct line, to Nickajack, on the Tennessee river; then crossing the said last mentioned river; and thence, running up the said Tennessee river, and *along the western bank thereof, to the southern boundary line of the State of Tennessee; upon the following express conditions, and subject thereto; that is to say:*

First, That out of the first net proceeds of the sales of the lands thus ceded, which net proceeds shall be estimated by deducting, from the gross amount of sales, the expenses incurred in surveying, and incident to the sale, the United States shall pay, at their treasury, one million two hundred and fifty thousand dollars to the State of Georgia, as a consideration for the expenses incurred by the said State, in relation to the said territory; and that, for the better securing as prompt a payment of the said sum as is practicable, a land office, for the disposition of the vacant lands thus ceded, to which the Indian title has been, or may hereafter be extinguished, shall be opened within a twelvemonth after the assent of the State of Georgia to this agreement, as hereafter stated, shall have been declared.

Secondly, That all persons who, on the twenty-seventh day of October, one thousand seven hundred and ninety-five, were actual settlers within the territory thus ceded, shall be confirmed in all the grants legally and fully executed prior to that day, by the former British Government of West Florida, or by the Government of Spain, and in the claims which may be derived from any actual survey or settlement made under the act of the State of Georgia, entitled "An act for laying out a district of land, situate on the river Mississippi, and within the bounds of this State, into a county, to be called Bourbon," passed the seventh day of February, one thousand seven hundred and eighty-five.

Thirdly, That all the lands ceded by this agreement to the United States shall, after satisfying the above mentioned payment of one million two hundred and fifty thousand dollars to the State of Georgia, and the grants recognized by the preceding condition, be considered as a common fund, for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever: provided, however, that the United States, for the period, and until the end of one year after the assent of Georgia to the boundary established by this agreement shall have been declared, may, in such manner as not to interfere with the abovementioned payment to the State of Georgia, nor with the grants hereinbefore recognized, dispose of or appropriate a proportion of the said lands, not exceeding five millions of acres, or the

proceeds of the said five millions of acres, or of any part thereof, for the purpose of satisfying, quieting, or compensating, for any claims other than those hereinbefore recognized, which may be made to the said lands, or to any part thereof. It being fully understood that, if an act of Congress making such disposition or appropriation shall not be passed into a law within the abovementioned period of one year, the United States shall not be at liberty thereafter to cede any part of the said lands on account of claims which may be laid to the same, other than those recognized by the preceding condition, nor to compensate for the same; and in case of any such cession or compensation, the present cession of Georgia to the right of soil over the lands thus ceded or compensated for shall be considered as null and void, and the lands thus ceded or compensated for shall revert to the State of Georgia.

Fourthly, That the United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be peaceably obtained, on reasonable terms, the Indian title to the country of Talassee, to the lands left out by the line drawn with the Creeks, in the year one thousand seven hundred and ninety-eight, which had been previously granted by the State of Georgia, both which tracts had formally been yielded by the Indians; and to the lands within the forks of Oconee and Ocmulgee rivers; for which several objects the President of the United States has directed that a treaty should be immediately held with the Creeks; and that the United States shall, in the same manner, also extinguish the Indian title to all the other lands within the State of Georgia.

Fifthly, That the territory thus ceded shall form a State, and be admitted as such into the Union, as soon as it shall contain sixty thousand free inhabitants, or at an earlier period, if Congress shall think it expedient, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of Congress of the thirteenth day of July, one thousand seven hundred and eighty-seven, for the Government of the Western territory of the United States; which ordinance *shall, in all its parts* extend to the territory contained in the

present act of cession, that article only excepted which forbids slavery.

ART. II. The United States accept the cession above mentioned, and on the conditions therein expressed: and they cede to the State of Georgia whatever claim, right, or title, they may have to the jurisdiction or soil of any lands lying within the United States, and out of the proper boundaries of any other State, and situated south of the southern boundaries of the States of Tennessee, North Carolina, and South Carolina, and east of the boundary line hereinabove described, as the eastern boundary of the territory ceded by Georgia to the United States.

ART. III. The present act of cession and agreement shall be in full force as soon as the Legislature of Georgia shall have given its assent to the boundaries of this cession: provided, that the said assent shall be given within six months after the date of these presents; and provided, that Congress shall not, during the same period of six months, repeal so much of any former law as authorizes this agreement, and renders it binding and conclusive on the United States: but if either the assent of Georgia shall not be thus given, or if the law of the United States shall be thus repealed, within the said period of six months, then, and in either case, these presents shall become null and void.—
American State Papers, Public Lands, I., 125-126.

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EXTRACTS FROM THE DRED SCOTT DECISION, 1857.

Of all the decisions ever rendered by the Supreme Court of the United States none has been so much discussed by others than constitutional lawyers. It was rendered at a time of great public excitement, was intended to settle the long-standing controversy over the question of territorial slavery, and is marked as one of the few decisions of the Court in which each of the judges delivered a separate opinion. On the other hand, the case presented before the Court was held by two of the justices and many jurists not to be strictly within its jurisdiction at all; the decree was openly scouted by many public men, including Abraham Lincoln; and six years after the decision was rendered Congress by an act prohibiting slavery in the territories practically nullified and defied it.

The facts of the case are stated in some of the quotations below. Dred Scott, a slave held in Missouri, claimed his freedom on the ground that his master had carried him into Illinois, a free state, and Louisiana territory, covered by the Missouri Compromise act of 1820. He was backed up by the Blairs of St. Louis, who kept the case alive, employed counsel, and carried up appeals. Alexander Sandford of New York as administrator became the alleged owner of Scott, and therefore the defendant. Four different suits were tried. 1. In the St. Louis State Circuit Court: judgment for Dred Scott (1847). 2. Missouri Supreme Court on writ of error: judgment against Scott (1848.) 3. United States Circuit Court: judgment that a negro might sue as a citizen; but against Scott in his claim to freedom (1854). 4. United States Supreme Court on

writ of error: judgment that a negro could not sue as citizen, and that Scott was a slave (1857.) Scott was afterward set free with the consent of his legal owner.

Judge Nelson's opinion was originally prepared as the opinion of the Supreme Court. Afterward a new set of opinions was drawn up, no two judges exactly coinciding in their judgment. The opinion read by Taney as that of the Court, is substantially individual. To ascertain what the judgment of the Court really was, it is necessary to compare the nine opinions and tabulate the results.

Contemporary discussions of the decision are: Thomas H. Benton, *Historical and Legal Examination of the Dred Scott Case*; S. A. Foot, *Examination of the Case of Dred Scott*; Gray and Lowell, *Legal Review of the Case of Dred Scott*; J. C. Hurd, *Law of Freedom and Bondage*, I. § §489-539. The text of the decision is in 19 Howard, 399.

The best general accounts are H. Von Holst, *Constitutional History of the United States*, VI. ch. i.; J. F. Rhodes, *History of the United States*, II. 252-275; Samuel Tyler, *Memoirs of R. B. Taney*, 359-438.

OPINION OF THE COURT.

[399] Mr. Chief Justice Taney delivered the opinion of the Court.

This case has been twice argued. After the argument at the last term, differences of opinion were found to exist among the members of the Court; and as the questions in controversy are of the highest importance, and the Court was at that time much pressed by the ordinary business of the term, it was deemed advisable to continue the case, and direct a re-argument on some of the points, in order that we might have an opportunity of giving to the whole subject a more deliberate [400] consideration. It has accordingly been again argued by counsel, and considered by the Court; and I now proceed to deliver its opinion.

There are two leading questions presented by the record:

1. Had the Circuit Court of the United States jurisdiction to hear and determine the case between these parties? And
2. If it had jurisdiction, is the judgment it has given erroneous or not?

The plaintiff in error, who was also the plaintiff in the Court below, was, with his wife and children, held as slaves by the defendant, in the State of Missouri; and he brought this action in the Circuit Court of the United States for that

district, to assert the title of himself and his family to freedom.

The declaration is in the form usually adopted in that State to try questions of this description, and contains the averment necessary to give the Court jurisdiction; that he and the defendant are citizens of different States; that is, that he is a citizen of Missouri, and the defendant a citizen of New York.

The defendant pleaded in abatement to the jurisdiction of the Court, that the plaintiff was not a citizen of the State of Missouri, as alleged in his declaration, being a negro of African descent, whose ancestors were of pure African blood, and who were brought into this country and sold as slaves.

To this plea the plaintiff demurred, and the defendant joined in demurrer. The Court overruled the plea, and gave judgment that the defendant should answer over. And he therefore put in sundry pleas in bar, upon which issues were joined; and at the trial the verdict and judgment were in his favor. Whereupon the plaintiff brought this writ of error.

Before we speak of the pleas in bar, it will be proper to dispose of the questions which have arisen on the plea in abatement.

That plea denies the right of the plaintiff to sue in a court of the United States, for the reasons therein stated.

If the question raised by it is legally before us, and the Court should be of opinion that the facts stated in it disqualify the plaintiff from becoming a citizen, in the sense in which that word is used in the Constitution of the United States, then the judgment of the Circuit Court is erroneous, and must be reversed.

It is suggested, however, that this plea is not before us; and that as the judgment in the Court below on this plea was in favor of the plaintiff, he does not seek to reverse it, or bring it before the Court for revision by his writ of error; and also that the defendant waived this defence by pleading over, and thereby admitted the jurisdiction of the Court.

[401] But, in making this objection, we think the peculiar and limited jurisdiction of courts of the United States has not been adverted to. This peculiar and limited jurisdiction has made it necessary, in these courts, to adopt different rules and principles of pleading, so far as jurisdiction

is concerned, from those which regulate courts of common law in England, and in the different States of the Union which have adopted the common-law rules.....

[403] And this being the case in the present instance, the plea in abatement is necessarily under consideration; and it becomes, therefore, our duty to decide whether the facts stated in the plea are or are not sufficient to show that the plaintiff is not entitled to sue as a citizen in a Court of the United States.

This is certainly a very serious question, and one that now for the first time has been brought for decision before this Court. But it is brought here by those who have a right to bring it, and it is our duty to meet it and decide it.

The question is simply this: can a negro, whose ancestors were imported into this country and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen? One of which rights is the privilege of suing in a Court of the United States in the cases specified in the Constitution.

It will be observed, that the plea applies to that class of persons only whose ancestors were Negroes of the African race and imported into this country, and sold and held as slaves. The only matter in issue before the Court, therefore, is, whether the descendants of such slaves, when they shall be emancipated, or who are born of parents who had become free before their birth, are citizens of a State, in the sense in which the word 'citizen' is used in the Constitution of the United States. And this being the only matter in dispute on the pleadings, the Court must be understood as speaking in this opinion of that class only, that is, of those persons who are the descendants of Africans who were imported into this country, and sold as slaves.....

The words 'people of the United States' and 'citizens' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. *They are what we familiarly call the 'sovereign people.'*

and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is, whether the class of persons described in the plea in abatement compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word 'citizens' in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.

On the contrary, they were at that time considered as a [495] subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them.

It is not the province of the Court to decide upon the justice or injustice, the policy or impolicy, of these laws. The decision of that question belonged to the political or law-making power; to those who formed the sovereignty and framed the Constitution. The duty of the Court is, to interpret the instrument they have framed, with the best lights we can obtain on the subject, and to administer it as we find it, according to its true intent and meaning when it was adopted.

In discussing this question, we must not confound the rights of citizenship which a State may confer within its own limits, and the rights of citizenship as a member of the Union. It does not by any means follow, because he has all the rights and privileges of a citizen of a State, that he must be a citizen of the United States. He may have all of the rights and privileges of the citizen of a State, and yet not be entitled to the rights and privileges of a citizen in any other State. For, previous to the adoption of the Constitution of the United States, every State had the undoubted right to confer on whomsoever it pleased the character of citizen, and to endow him with all its rights. But this character of course was confined to the boundaries of the State, and gave him no rights or privileges in other States beyond those secured to him by the laws of nations and the comity of States. Nor have the several States surrendered the power of conferring these rights and privileges by adopting the

Constitution of the United States. Each State may still confer them upon an alien or any one it thinks proper, or upon any class or description of persons; yet he would not be a citizen in the sense in which that word is used in the Constitution of the United States nor entitled to sue as such in one of its courts, nor to the privileges and immunities of a citizen in the other States. The rights which he would acquire would be restricted to the State which gave them. The Constitution has conferred on Congress the right to establish an uniform rule of naturalization, and this right is evidently exclusive, and has always been held by this Court to be so. Consequently, no State, since the adoption of the Constitution, can by naturalizing an alien invest him with the rights and privileges secured to a citizen under the Federal Government, although, so far as the State alone was concerned, he would undoubtedly be entitled to the rights of a citizen, and clothed with all the [406] rights and immunities which the Constitution and laws of the State attached to that character.

It is very clear, therefore, that no State, can by any act or law of its own, passed since the adoption of the Constitution, introduce a new member into the political community created by the Constitution of the United States. It cannot make him a member of this community by making him a member of its own. And for the same reason it cannot introduce any person, or description of persons, who were not intended to be embraced in this new political family, which the Constitution brought into existence, but were intended to be excluded from it.

The question then arises, whether the provisions of the Constitution, in relation to the personal rights and privileges to which the citizen of a State should be entitled, embraced the negro African race, at that time in this country, or who might afterwards be imported, who had then or should afterwards be made free in any State; and to put it in the power of a single State to make him a citizen of the United States and endue him with the full rights of citizenship in every other State without their consent? Does the Constitution of the United States act upon him whenever he shall be made free under the laws of a State, and raised there to the rank of a citizen, and immediately clothe him with all

the privileges of a citizen in every other State, and in its own courts?

The Court thinks that the affirmative of these propositions cannot be maintained. And if it cannot, the plaintiff in error could not be a citizen of the State of Missouri, within the meaning of the Constitution of the United States, and consequently, was not entitled to sue in its courts.

It is true, every person, and every class and description of persons, who were at the time of the adoption of the Constitution recognized as citizens in the several States, became also citizens of this new political body; but none other; it was formed by them, and for them and their posterity, but for no one else. And the personal rights and privileges guaranteed to citizens of this new sovereignty were intended to embrace those only who were then members of the several state communities, or who should afterwards by birthright or otherwise become members, according to the provision of the Constitution, and the principles on which it was founded. It was the union of those who were at that time members of distinct and separate political communities into one political family, whose power, for certain specified purposes, was to extend over the whole territory of the United States. And it gave to each citizen rights and privileges outside of his [407] State which he did not before possess, and placed him in every other State upon a perfect equality with its own citizens as to rights of persons and rights of property; it made him a citizen of the United States.

It becomes necessary, therefore, to determine who were citizens of the several States when the Constitution was adopted. And in order to do this, we must recur to the governments and institutions of the thirteen colonies, when they separated from Great Britain and formed new sovereignties, and took their places in the family of independent nations. We must inquire who, at that time, were recognized as the people or citizens of a State, whose rights and liberties had been outraged by the English government; and who declared their independence, and assumed the powers of government to defend their rights by force of arms.

In the opinion of the Court, the legislation and histories of

I { the time, and the language used in the Declaration of Independence show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted. But the public history of every European nation displays it in a manner too plain to be mistaken.

II. X They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position of society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.

And in no nation was this opinion more firmly fixed or more [408] uniformly acted upon than by the English government and English people. They not only seized them on the coast of Africa, and sold them or held them in slavery for their own use; but they took them, as ordinary articles of merchandise to every country where they could make a profit on them, and were far more extensively engaged in this commerce than any other nation in the world.

The opinion thus entertained and acted upon in England was naturally impressed upon the colonies they founded on this side of the Atlantic. And, accordingly, a negro of the African race was regarded by them as an article of prop-

erty, and held and bought and sold as such, in every one of the thirteen colonies which united in the Declaration of Independence, and afterwards formed the Constitution of the United States. The slaves were more or less numerous in the different colonies, as slave labor was found more or less profitable. But no one seems to have doubted the correctness of the prevailing opinion of the time.

The legislation of the different colonies furnishes positive and indisputable proof of this fact.....

The language of the Declaration of Independence is equally conclusive :

It begins by declaring that, 'when in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to [410] assume among the powers of the earth the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect for the opinions of mankind requires that they should declare the causes which impel them to the separation.'

It then proceeded to say : 'we hold these truths to be self-evident, that all men are created equal ; that they are endowed by their Creator with certain unalienable rights ; that among them is life, liberty and the pursuit of happiness ; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed.'

The general words above quoted would seem to embrace the whole human family, and if they were used in a similar instrument at this day would be so understood. But it is too clear for dispute, that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration ; for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted ; and instead of the sympathy of mankind, to which they so confidently appealed, they would have deserved and received universal rebuke and reprobation.....

The legislation of the States therefore shows, in a manner not to be mistaken, the inferior and subject condition of that race at the time the Constitution was adopted, and long

afterwards, throughout the thirteen States by which that instrument was framed ; and it is hardly consistent with the respect due to these States, to suppose that they regarded at that time, as fellow-citizens and members of the sovereignty, a class of beings whom they had thus stigmatized ; whom, as we are bound, out of respect to the State sovereignties, to assume they had deemed it just and necessary thus to stigmatize, and upon whom they had impressed such deep and enduring marks of inferiority and degradation ; or, that when they met in convention to form the Constitution, they looked upon them as a portion of their constituents, or designed to include them in the provisions so carefully inserted for the security and protection of the liberties and rights of their citizens. It cannot be supposed that they intended to secure to them rights, and privileges, and rank, in the new political body throughout the Union, which every one of them denied within the limits of its own dominion. More especially it cannot be believed that the large slaveholding States regarded them as included in the word 'citizens,' or would have consented to a Constitution which might compel them to receive them in that character from another State. For if they were so received, and entitled to the privileges and immunities of citizens, it would exempt them from the operation of the special laws and from the police [417] regulations which they considered to be necessary for their own safety. It would give to persons of the negro race, who were recognized as citizens in any one State of the Union, the right to enter every other State whenever they pleased, singly or in companies, without pass or passport, and without obstruction, to sojourn there as long as they pleased, to go where they pleased at every hour of the day or night without molestation, unless they committed some violation of law for which a white man would be punished ; and it would give them the full liberty of speech in public and private upon all subjects upon which its own citizens might speak ; to hold public meetings upon political affairs, and to keep and carry arms wherever they went. And all of this would be done in the face of the subject race *of the same color, both free and slaves, and inevitably producing discontent and insubordination among them, and endangering the peace and safety of the State.*.....

But it is said that a person may be a citizen, and entitled to [422] that character, although he does not possess all the rights which may belong to other citizens; as, for example, the right to vote, or to hold particular offices; and that yet, when he goes into another State, he is entitled to be recognized there as a citizen, although the State may measure his rights by the rights which it allows to persons of a like character or class resident in the State, and refuse to him the full rights of citizenship.

This argument overlooks the language of the provision in the Constitution of which we are speaking.

Undoubtedly, a person may be a citizen, that is, a member of the community who form the sovereignty, although he exercises no share of the political power, and is incapacitated from holding particular offices. Women and minors (who form a part of the political family cannot vote; and when a property qualification is required to vote or hold a particular office, those who have not the necessary qualifications cannot vote or hold the office, yet they are citizens.

So, too, a person may be entitled to vote by the law of the State, who is not a citizen even of the State itself. And in some of the States of the Union foreigners not naturalized are allowed to vote. And the State may give the right to free negroes and mulattoes, but that does not make them citizens of the State, and still less of the United States. And the provision in the Constitution giving privileges and immunities in other States, does not apply to them.

Neither does it apply to a person who, being a citizen of a State, migrates to another State. For then he becomes subject to the laws of the State in which he lives, and he is no longer a citizen of the State from which he removed. And the State in which he resides may then, unquestionably, determine his *status* or condition, and place him among the class of persons who are not recognized as citizens, but belong to an inferior and subject race; and may deny him the privileges and immunities enjoyed by its citizens.

But so far as mere rights of person are concerned, the provision in question is confined to citizens of a State who are temporarily in another State without taking up their residence there. It gives them no political rights in the State, as to voting, or holding office or in any other respect. For

a citizen of one State has no right to participate in the government of another. But if he ranks as a citizen in the State to which he belongs, within the meaning of the Constitution of the United States, then, whenever he goes into another State, the Constitution clothes him, as to the rights of person, with all the privileges and immunities which belong to citizens of the [423] State. And if persons of the African race are citizens of a State, and of the United States, they would be entitled to all of these privileges and immunities in every State, and the State could not restrict them; for they would hold these privileges and immunities under the paramount authority of the Federal Government, and its courts would be bound to maintain and enforce them, the Constitution and laws of the State to the contrary notwithstanding. And if the States could limit or restrict them, or place the party in an inferior grade, this clause of the Constitution would be unmeaning, and could have no operation; and would give no rights to the citizens when in another State. He would have none but what the State itself chose to allow him. This is evidently not the construction or meaning of the clause in question. It guarantees rights to the citizens, and the State cannot withhold them. And these rights are of a character and would lead to consequences which make it absolutely certain that the African race were not included under the name of citizens of a State, and were not in the contemplation of the framers of the Constitution when these privileges and immunities were provided for the protection of the citizen in other States.

No one, we presume, supposes that any change in public opinion or feeling in relation to this unfortunate race, in the civilized nations of Europe or in this country, should induce the courts to give to the words of the Constitution a more liberal construction in their favor than they were intended to bear when the instrument was framed and adopted. Such an argument would be altogether inadmissible in any tribunal called on to interpret it. If any of its provisions are deemed unjust, there is a mode prescribed in the instrument itself by which it may be amended; but while it remains unaltered, it *must be construed* now as it was understood at the time of its adoption. It is not only the same in words but the same in meaning, and delegates the same power to the government

and reserves and secures the same rights and privileges to the citizen; and as long as it continues to exist in its present form, it speaks not only with the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, and was voted on and adopted by the people of the United States. Any other rule of construction would abrogate the judicial character of this Court, and make it the mere reflex of the popular opinion or passion of the day. This Court was not created by the Constitution for such purposes. Higher and graver trusts have been confided to it, and it must not falter in the path of duty.

What the construction was at that time, we think can hardly admit of doubt. We have the language of the Declaration of Independence and of the Articles of Confederation, in addition to the plain words of the Constitution itself; we have the legislation of the different States, before, about the time, and since, the Constitution was adopted; we have the legislation of Congress, from the time of its adoption to a recent period; and we have the constant and uniform action of the executive department, all concurring together, and leading to the same result. And if anything in relation to the construction of the Constitution can be regarded as settled, it is that which we now give to the word 'citizen' and the word 'people.'

And upon a full and careful consideration of the subject, [427] the Court is of opinion, that, upon the facts stated in the plea in abatement, Dred Scott was not a citizen of Missouri within the meaning of the Constitution of the United States, and not entitled as such to sue in its courts; and, consequently, that the Circuit Court has no jurisdiction of the case, and that the judgment on the plea in abatement is erroneous.....

We proceed, therefore, to inquire whether the facts relied on by the plaintiff entitled him to his freedom.....

In considering this part of the controversy, two questions arise:

1. Was he, together with his family, free in Missouri by reason of the stay in the territory of the United States here-
inbefore mentioned?

And 2. If they were not, is Scott himself free by reason

of his removal to Rock Island, in the State of Illinois, as stated in the above admissions?

We proceed to examine the first question.

The Act of Congress, upon which the plaintiff relies, declares that slavery and involuntary servitude, except as a punishment for crime, shall be forever prohibited in all that part of the territory ceded by France, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, and not included within the limits of Missouri. And the difficulty which meets us at the threshold of this part of the inquiry is, whether Congress was authorized to pass this law under any of the powers granted to it by the Constitution; for if the authority is not given by that instrument, it is the duty of this Court to declare it void and inoperative, and incapable of conferring freedom upon any one who is held as a slave under the laws of any one of the States.

The counsel for the plaintiff has laid much stress upon that article in the Constitution which confers on Congress the power 'to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States;' but in the judgment of the Court, that provision has no bearing on the present controversy, and the power there given, whatever it may be, is confined, and was intended to be confined, to the territory which at that time belonged to, or was claimed by, the United States, and was within their boundaries as settled by the treaty with Great Britain, and can have no influence upon a territory afterwards acquired from a foreign government. It was a special provision for a known and particular territory, and to meet a present emergency, and nothing more.

At the time when the territory in question was obtained by cession from France, it contained no population fit to be associated together and admitted as a State; and it therefore was absolutely necessary to hold possession of it, as a territory belonging to the United States, until it was settled and inhabited by a civilized community capable of self-government, and in a condition to be admitted on equal terms with the other States as a member of the Union. But, as we have before said, it was acquired by the general

government, as the representative and trustee of the people of the United States, and it must therefore be held in that character for their common and equal benefit; for it was the people of the several States, acting through their agent and representative, the Federal Government, who in fact acquired the territory in question, and the government holds it for their common use until it shall be associated with the other states as a member of the Union.

But until that time arrives, it is undoubtedly necessary that some government should be established, in order to organize society, and to protect the inhabitants in their persons and property; and as people of the United States could act in this matter only through the government which represented them, and through which they spoke and acted when the territory was obtained, it was not only within the scope of its powers, but it was its duty to pass such laws and establish such a government as would enable those by whose authority they acted to reap the advantages anticipated from its acquisition, and to gather there a population which would enable it to assume the position to which it was destined among the States of the Union.....

Now, as we have already said in an earlier part of this opinion, upon a different point, the right of property in a slave is distinctly expressed and affirmed in the Constitution. The right to traffic in it, like an ordinary article of merchandise and property, was guaranteed to the citizens of the United States, in every State that might desire it, for twenty years. And the government in express terms is pledged to [452] protect it in all future time, if the slave escapes from his owner. This is done in plain words—too plain to be misunderstood. And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description. The only power conferred is the power coupled with the duty of guarding and protecting the owner in his rights.

Upon these considerations, it is the opinion of the Court that the Act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void;

and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident.

We have so far examined the case, as it stands under the Constitution of the United States, and the power thereby delegated to the Federal Government.

But there is another point in the case which depends on State power and State law. And it is contended, on the part of the plaintiff, that he is made free by being taken to Rock Island, in the State of Illinois, independently of his residence in the territory of the United States; and being so made free he was not again reduced to a state of slavery by being brought back to Missouri.

Our notice of this part of the case will be very brief; for the principle on which it depends was decided in this Court, upon much consideration, in the case of *Strader et al. v. Graham*, reported in 10th Howard, 82. In that case, the slaves had been taken from Kentucky to Ohio, with the consent of the owner, and afterwards brought back to Kentucky. And this Court held that their *status* or condition, as free or slave, depended upon the laws of Kentucky, when they were brought back into that State, and not of Ohio; and that this Court had no jurisdiction to revise the judgment of a State court upon its own laws. This was the point directly before the Court, and the decision that this Court had not jurisdiction turned upon it, as will be seen by the report of the case.

So in this case. As Scott was a slave when taken into the State of Illinois by his owner, and was there held as such, and brought back in that character, his status, as free or slave, depended on the laws of Missouri, and not of Illinois.

It has, however, been urged in the argument, that by the laws of Missouri he was free on his return, and that this case, [453] therefore, cannot be governed by the case of *Strader et al. v. Graham*, where it appeared, by the laws of Kentucky, that the plaintiffs continued to be slaves on their return from Ohio. But whatever doubts or opinions may, at one time, have been entertained upon this subject, we are satisfied, upon a careful examination of all the cases decided in the State courts of Missouri referred to, that it is now

firmly settled by the decisions of the highest court in the State, that Scott and his family upon their return were not free, but were, by the laws of Missouri, the property of the defendant; and that the Circuit Court of the United States had no jurisdiction, when, by the laws of the State, the plaintiff was a slave, and not a citizen.

Upon the whole, therefore, it is the judgment of this Court, that it appears by the records before us that the plaintiff in error is not a citizen of Missouri, in the sense in which that word is used in the Constitution; and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no judgment in it. Its judgment for the defendant must consequently, be reversed, and a mandate issued, directing the suit to be dismissed for want of jurisdiction.

WAYNE'S OPINION.

Concurring as I do entirely in the opinion of the Court, as it has been written and read by the Chief Justice—without any qualification of its reasonings or its conclusions—I shall neither read nor file an opinion of my own in this case, which I prepared when I supposed it might be necessary and proper for me to do so.

The opinion of the Court meets fully and decides every point which was made in the argument of the case by the counsel on either side of it. Nothing belonging to the case has been left undecided, nor has any point been discussed and decided which was not called for by the record, or which was not necessary for the judicial disposition of it, in the way that it has been done, by more than a majority of the Court.

In doing this, the Court neither sought nor made the case. It was brought to us in the course of that administration of the laws which Congress has enacted, for the review of cases from the Circuit Courts by the Supreme Court.

In our action upon it, we have only discharged our duty as a distinct and efficient department of the government, as the framers of the Constitution meant the judiciary to be, and as the States of the Union and the people of these States intended it should be, when they ratified the Constitution of the United States.

The case involves private rights of value, and constitutional principles of the highest importance, about which there had [455] become such a difference of opinion, that the peace and harmony of the country required the settlement of them by judicial decision.

It would certainly be a subject of regret, that the conclusions of the Court have not been assented to by all its members, if I did not know from its history and my own experience how rarely it has happened that the judges have been unanimous upon constitutional questions of moment, and if our decision in this case had not been made by as large a majority of them as has been usually had on constitutional questions of importance.

Two of the judges, Mr. Justices McLean and Curtis, dissent from the opinion of the Court. A third, Mr. Justice Nelson, gives a separate opinion upon a single point in the case, with which I concur, assuming that the Circuit Court had jurisdiction; but he abstains altogether from expressing any opinion upon the eighth section of the Act of 1820, known commonly as the Missouri compromise law, and six of us declare that it was unconstitutional.

But it has been assumed, that this Court has acted extra-judicially in giving an opinion upon the eighth section of the Act of 1820, because, as it has decided that the Circuit Court had no jurisdiction of the case, this Court had no jurisdiction to examine the case upon its merits.

But the error of such an assertion has arisen in part from a misapprehension of what has been heretofore decided by the Supreme Court, in cases of a like kind with that before us; in part, from a misapplication to the Circuit Courts of the United States, of the rules of pleading concerning pleas to the jurisdiction which prevail in common law courts; and from its having been forgotten that this case was not brought to this Court by appeal or writ of error from a State Court, but by a writ of error to the Circuit Court of the United States.....

NELSON'S OPINION.

[457] *I shall proceed to state the grounds upon which I have arrived at the conclusion, that the judgment of the Court below should be affirmed.....*

The question upon the merits, in general terms, is, whether or not the removal of the plaintiff, who was a slave, with his master, from the State of Missouri to the State of Illinois, with a view to a temporary residence, and after such residence and [459] return to the slave State, such residence in the free State works an emancipation.

As appears from an agreed statement of facts, this question has been before the highest court of the State of Missouri, and a judgment rendered that this residence in the free State, has no such effect; but, on the contrary, that his original condition continued unchanged.

The Court below, the Circuit Court of the United States for Missouri, in which this suit was afterwards brought, followed the decision of the State Court, and rendered a like judgment against the plaintiff.

The argument against these decisions is, that the laws of Illinois, forbidding slavery within her territory, had the effect to set the slave free while residing in that State, and to impress upon him the condition and *status* of a free man; and that, by force of these laws, this *status* and condition accompanied him on his return to the slave State, and of consequence he could not be there held as a slave.

This question has been examined in the Courts of several of the slaveholding States, and different opinions expressed and conclusions arrived at. We shall hereafter refer to some of them, and to the principles upon which they are founded. Our opinion is, that the question is one which belongs to each State to decide for itself, either by its legislature or courts of justice; and hence in respect to the case before us, to the State of Missouri—a question exclusively of Missouri law, and which when determined by that State, it is the duty of the Federal Courts to follow it. In other words, except in cases where the power is restrained by the Constitution of the United States, the law of the State is supreme over the subject of slavery within its jurisdiction...

The remaining question for consideration is, what is the law of the State of Missouri on this subject? And it would be a sufficient answer to refer to the judgment of the highest court of the State in the very case, were it not due to that tribunal to state somewhat at large the course of decision and principles involved, on account of some diversity of opinion

in the cases. As we have already stated, this case was originally brought in the Circuit Court of the State, which resulted in a judgment for the plaintiff. The case was carried up to the Supreme Court for revision. That Court reversed the judgment below, and remanded the cause to the Circuit, for a new trial. In that state of the proceeding, a new suit was brought by the plaintiff in the Circuit Court of the United States, and tried upon the issues and agreed case before us, and a verdict and judgment for the defendant, that court following the decision of the Supreme Court of the State. The judgment of the Supreme Court is reported in the 15 Misso. R. p. 576. The Court placed the decision upon the temporary residence of the master with the slaves in the State and territory to which they removed, and their return to the slave State; and upon the principles of International Law, that foreign laws have no extra-territorial force, except such as the State within which they are sought to be enforced may see fit to extend to them, upon the doctrine of comity of nations.....

A question has been alluded to, on the argument, namely: the right of the master with his slave of transit into or through a free State, on business or commercial pursuits, or in the exercise of a federal right, or the discharge of a federal duty, being a citizen of the United States, which is not before us. This question depends upon different considerations and principles from the one in hand, and turns upon the rights and privileges secured to a common citizen of the Republic under the Constitution of the United States. When that question arises, we shall be prepared to decide it. [469] Our conclusion is, that the judgment of the Court below should be affirmed.

GRIER'S OPINION.

I concur in the opinion delivered by Mr. Justice Nelson on the questions discussed by him.

I also concur with the opinion of the Court as delivered by the Chief Justice, that the Act of Congress of 6th March, 1820, is unconstitutional and void; and that assuming the facts as stated in the opinion, the plaintiff cannot sue as a citizen of Missouri in the Courts of the United States. But,

that the record shows a *prima facie* case of jurisdiction, requiring the Court to decide all the questions properly arising in it; and as the decision of the pleas in bar shows that the plaintiff is a slave, and therefore not entitled to sue in a Court of the United States, the form of the judgment is of little importance; for whether the judgment be affirmed or dismissed for want of jurisdiction, it is justified by the decision of the Court, and is the same in effect between the parties to the suit.

DANIEL'S OPINION.

It may with truth be affirmed, that since the establishment of the several communities now constituting the States of this Confederacy, there never has been submitted to any tribunal within its limits questions surpassing in importance those now claiming the consideration of this Court. Indeed it is difficult to imagine, in connection with the systems of polity peculiar to the United States, a conjuncture of graver import than that must be, within which it is aimed to comprise, and to control, not only the faculties and practical operation appropriate to the American Confederacy as such, but also the rights and powers of its separate and independent members, with reference alike to their internal and domestic authority and interests, and the relations they sustain to their confederates.

To my mind it is evident, that nothing less than the ambitious and far-reaching pretension to compass these objects of vital concern, is either directly essayed or necessarily implied in the positions attempted in the argument for the plaintiff in error.....

Now, the following are truths which a knowledge of the history of the world, and particularly of that of our own country, compels us to know—that the African negro race never have been acknowledged as belonging to the family of nations; that as amongst them there never has been known or recognized by the inhabitants of other countries anything partaking of the character of nationality, or civil or political polity; that this race has been by all the nations of Europe regarded as subjects of capture or purchase; as subjects of commerce or traffic; and that the introduction of that race into every

section of this country was not as members of civil or political society, but as slaves, as *property* in the strictest sense of the term.

In the plea in abatement, the character or capacity of citizen on the part of the plaintiff is denied; and the causes which show the absence of that character or capacity are set forth by averment. The verity of those causes, according to the settled rules of pleading being admitted by the demurrer, it only remained for the Circuit Court to decide upon their legal sufficiency to abate the plaintiff's action. And it now becomes the province of this Court to determine whether the plaintiff below, (and in error here), admitted to be a negro of African descent, whose ancestors were of pure African blood, and were brought into this country and sold as negro slaves—such being his *status*, and such the circumstances surrounding his position—whether he can by correct legal induction from that *status* and those circumstances, be clothed with the character and capacities of a citizen of the State of Missouri?

It may be assumed as a postulate, that to a slave, as such, there appertains and can appertain no relation, civil or political, with the State or the government. He is himself strictly *property* to be used in subserviency to the interests, the [476] convenience, or the will, of his owner; and to suppose, with respect to the former, the existence of any privilege or discretion, or of any obligation to others incompatible with the magisterial rights just defined, would be by implication, if not directly, to deny the relation of master and slave, since none can possess and enjoy, as his own, that which another has a paramount right to withhold. Hence, it follows, necessarily, that a slave, the *peculium* or property of a master, and possessing within himself no civil nor political rights or capacities, cannot be a *citizen*. For who, it may be asked, is a citizen? What do the character and *status* of citizen import? Without fear of contradiction, it does not import the condition of being private property, the subject of individual power and ownership. Upon a principle of etymology alone, the term *citizen*, as derived from *civitas*, conveys the idea of connection or identification with the State or government, and a participation of its functions. But beyond this, there is not, it is believed, to be found, in

the theories of writers on government, or in any actual experiment heretofore tried, an exposition of the term *citizen*, which has not been understood as conferring the actual possession and enjoyment of an entire equality of privileges, civil and political.....

CAMPBELL'S OPINION.

I concur in the judgment pronounced by the Chief Justice; but the importance of the cause, the expectation and interest it has awakened, and the responsibility involved in its determination induce me to file a separate opinion.....

An examination of this clause of the Constitution, by the light of the circumstances in which the Convention was placed, will aid us to determine its significance. The first clause is, 'that new States may be admitted by the Congress to this [505] Union.' The condition of Kentucky, Vermont, Rhode Island, and the new States to be formed in the Northwest, suggested this, as a necessary addition to the powers of Congress. The next clause providing for the subdivision of States, and the parties to consent to such an alteration, was required, by the plans on foot, for changes in Massachusetts, New York, Pennsylvania, North Carolina, and Georgia. The clause which enables Congress to dispose of and make regulations respecting the public domain, was demanded by the exigencies of an exhausted treasury and a disordered finance, for relief by sales, and the preparation for sales, of the public lands; and the last clause, that nothing in the Constitution should prejudice the claims of the United States or a particular State, was to quiet the jealousy and irritation of those who had claimed for the United States all the unappropriated lands. I look in vain, among the discussions of the time, for the assertion of a supreme sovereignty for Congress over the territory then belonging to the United States, or that they might thereafter acquire. I seek in vain for an annunciation that a consolidated power had been inaugurated, whose subject comprehended an empire, and which had no restriction but the discretion of Congress. This disturbing element of the Union entirely escaped the apprehensive provisions of Samuel Adams, George Clinton, Luther Martin, and Patrick Henry; and in respect to dangers from power vested in a

central government over distant settlements, colonies, or provinces, their instincts were always alive. Not a word escaped them, to warn their countrymen, that here was a power to threaten the landmarks of this federative Union, and with them the safeguards of popular and constitutional liberty; or that under this article, there might be introduced, on our soil, a single government over a vast extent of territory—a government foreign to the persons over whom it might be exercised, and capable of binding those not represented, by statutes, in all cases whatsoever. I find nothing to authorize these enormous pretensions, nothing in the expositions of the friends of the Constitution, nothing in the expression of alarm by its opponents, expressions which have since been developed as prophecies. Every portion of the United States was then provided with a municipal government, which this Constitution was not designed to supersede, but merely to modify as to its conditions.

The most dangerous of the efforts to employ a geographical political power, to perpetuate a geographical preponderance in the Union, is to be found in the deliberations upon the Act of the 6th of March, 1820, before cited. The attempt consisted of a proposal to exclude Missouri from a place in the Union, unless her people would adopt a constitution containing a prohibition upon the subject of slavery, according to a prescription of Congress. The sentiment is now general, if not universal, that Congress had no constitutional power to impose the restriction. This was frankly admitted at the bar, in the course of this argument. The principles which this Court have pronounced condemn the pretension then made on behalf of the legislative department. In *Groves v. Slaughter* (15 Pet.) the Chief Justice said: 'The power over this subject is exclusively with the several States, and each of them has a right to decide for itself whether it will or will not allow persons of this description to be brought within its limits.' Justice McLean said: 'The Constitution of the United States operates alike in all the States, and one State has the same power over the subject of slavery as every other State.' In *Pollard's Lessee v. Hagan*, (3 How. 212,) the Court says: 'The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of

a State or elsewhere, except in cases where it is delegated, and the Court denies the faculty of the Federal Government to add to its powers by treaty or compact.'

This is a necessary consequence, resulting from the nature of the Federal Constitution, which is a federal compact among the States, establishing a limited government, with powers delegated by the people of distinct and independent communities, who reserved to their State governments, and to themselves, the powers they did not grant. This claim to impose a restriction upon the people of Missouri involved a denial of the constitutional relations between the people of the States and Congress, and affirmed a concurrent right for the latter, with their people, to constitute the social and political system of the new States. A successful maintenance of this claim would have altered the basis of the Constitution. The new States would have become members of a Union defined in part by the Constitution and in part by Congress. They would not have been admitted to 'this Union.' Their sovereignty would have been restricted by Congress as well as the Constitution. The demand was unconstitutional and subversive, but was prosecuted with an energy, and aroused such animosities among the people, that patriots, whose confidence had not failed during the Revolution, began to despair for the Constitution, (Note : Mr. Jefferson wrote : 'The Missouri question is the most portentous one that ever threatened our Union. In the gloomiest moments of the Revolutionary War, I never had any apprehensions equal to that I feel from this source.') Amid the utmost violence of this extraordinary contest, the expedient contained in the eighth section of this Act was proposed, to moderate it, and to avert the catastrophe it menaced. It was not seriously debated, nor were its constitutional aspects severely scrutinized by Congress. For the first time, in the history of the country, has its operation been embodied in a case at law, and been presented to this Court for their judgment. The inquiry is, whether there are conditions in the Constitutions of the territories which subject the capacity and *status* of persons within their limits to the direct action of Congress. Can Congress determine the condition and *status* of persons who inhabit the territories?

Upon this record, it is apparent that this is not a contro-

versy between citizens of different States ; and that the plaintiff at no period of the life which has been submitted to the view of the Court, has had a capacity to maintain a suit in the Courts of [518] the United States. And in so far as the argument of the Chief Justice upon the plea in abatement has a reference to the plaintiff or his family, in any of the conditions or circumstances of their lives, as presented in the evidence, I concur in that portion of his opinion. I concur in the judgment which expresses the conclusion that the Circuit Court should not have rendered a general judgment.

The capacity of the plaintiff to sue is involved in the pleas in bar, and the verdict of the jury discloses an incapacity under the Constitution. Under the Constitution of the United States, his is an incapacity to sue in their courts, while, by the laws of Missouri, the operation of the verdict would be more extensive. I think it a safe conclusion to enforce the lesser disability imposed by the Constitution of the United States, and leave to the plaintiff all his rights in Missouri. I think the judgment should be affirmed, on the ground that the Circuit Court had no jurisdiction, or that the case should be reversed and remanded, that the suit may be dismissed.

CATRON'S OPINION.

.....

If power existed to draw a line at thirty-six degrees thirty minutes north, so Congress had equal power to draw the line on the thirtieth degree—that is, due west from the city of New Orleans—and to declare that north of *that line* slavery should never exist. Suppose this had been done before 1812, when Louisiana came into the Union, and the question of infraction of the treaty had then been presented on the present assumption of power to prohibit slavery, who doubts what the decision of this Court would have been on such an act of Congress ; yet, the difference between the supposed line, and that on thirty-six degrees thirty minutes north, is only in the degree of grossness presented by the lower line.

The Missouri Compromise line of 1820 was very aggressive ; *it declared that slavery was abolished forever throughout a country reaching from the Mississippi River to the Pacific ocean, stretching over thirty-two degrees of longitude, and*

twelve and a half degrees of latitude on its eastern side, sweeping over four-fifths, to say no more, of the original province of Louisiana.

That the United States Government stipulated in favor of [526] the inhabitants to the extent here contended for, has been seriously denied, as far as I know; but the argument is, that Congress had authority to *repeal* the third article of the treaty of 1803, in so far as it secured the right to hold slave property, in a portion of the ceded territory, leaving the right to exist in other parts. In other words, that Congress could repeal the third article entirely, at its pleasure. This I deny..

Congress cannot do indirectly what the Constitution prohibits directly. If the slave-holder is prohibited from going to the territory with his slaves, who are parts of his family in name and in fact, it will follow that men owning lawful property in their own States, carrying with them the equality of their State to enjoy the common property, may be told, 'You cannot come here with your slaves,' and he will be held out at the border. By this subterfuge, owners of slave property, to the amount of thousands of millions, might be almost as effectually excluded from removing into the territory of Louisiana north of thirty-six degrees thirty minutes, as if the law declared that owners of slaves, as a class, should be excluded, even if their slaves were left behind.

Just as well might Congress have said to those of the North, 'You shall not introduce into the territory south of said line your cattle or horses, as the country is already overstocked; nor can you introduce your tools of trade, or machines, as the policy of Congress is to encourage the culture of sugar and cotton south of the line, and so to provide that the northern people shall manufacture for those of the South, and barter for the staple articles slave labor produces.' And thus the northern farmer and mechanic would be held out, as the slaveholder was for thirty years, by the Missouri restriction.

If Congress could prohibit one species of property, lawful throughout Louisiana when it was acquired, and lawful in the State from whence it was brought, so Congress might exclude any or all property.....

MCLEAN'S DISSENTING OPINION.

.....

If the great and fundamental principles of our government are never to be settled, there can be no lasting prosperity. The Constitution will become a floating waif on the billows of popular excitement.

The prohibition of slavery north of thirty-six degrees, thirty minutes, and of the State of Missouri, contained in the act admitting that State into the Union, was passed by a vote of 134, in the House of Representatives, to 42. Before Mr. Munroe signed the Act, it was submitted by him to his Cabinet, and they held the restriction of slavery in a territory to be within the constitutional powers of Congress. It would be singular, if in 1804, Congress had power to prohibit the introduction of slaves in Orleans territory from any other part of the Union, under the penalty of freedom to the slave, if the same power, embodied in the Missouri Compromise, could not be exercised in 1820.

But this law of Congress, which prohibits slavery north of [547] Missouri and of thirty-six degrees, thirty minutes, is declared to have been null and void by my brethren. And this opinion is founded mainly, as I understand, on the distinction drawn between the ordinance of 1787 and the Missouri Compromise line. In what does the distinction consist? The Ordinance, it is said, was a compact entered into by the confederated States before the adoption of the Constitution; and that in the cession of territory authority was given to establish a territorial government.....

It is said the territories are common property of the States and that every man has a right to go there with his property. This is not controverted. But the Court say a slave is not property beyond the operation of the local law which makes him such. Never was a truth more authoritatively and justly uttered by man. Suppose a master of a slave in a British island owned a million of property in England; would that authorize him to take his slaves with him to England? The Constitution, in express terms, recognizes the *status of slavery* as founded on the municipal law: 'No person held to service or labor in one State, under the laws thereof, escaping into another, shall,' etc. Now, unless the

fugitive escape from a place where, by the municipal law, he is held to labor, this provision affords no remedy to the master. What can be more conclusive than this? Suppose a slave escape from a territory where slavery is not authorized by law, can he be reclaimed?

In this case, a majority of the Court have said that a slave may be taken by his master into a territory of the United States, the same as a horse, or any other kind of property. It is true this was said by the Court, as also many other things, which are of no authority. Nothing that has been said by them, which has not a direct bearing on the jurisdiction of the Court, against which they decided, can be considered as [550] authority. I shall certainly not regard it as such. The question of jurisdiction, being before the Court, was decided by them authoritatively, but nothing beyond that question. A slave is not a mere chattel. He bears the impress of his Maker, and is amenable to the laws of God and man, and he is destined to an endless existence...

CURTIS'S DISSENTING OPINION.

.....

To determine whether any free persons, descended from Africans held in slavery, were citizens of the United States under the Confederation, and consequently at the time of the adoption of the Constitution of the United States, it is only necessary to know whether any such persons were citizens of either of the States under the Confederation, at the time of the adoption of the Constitution.

Of this there can be no doubt. At the time of the ratification of the Articles of Confederation, all free native-born inhabitants of the States of New Hampshire, Massachusetts, [573] New York, New Jersey and North Carolina, though descended from African slaves, were not only citizens of those States, but such of them as had the other necessary qualifications possessed the franchise of electors, on equal terms with other citizens.....

First. That the free native-born citizens of each State are citizens of the United States.

Second. That as free colored persons born within some of

the States are citizens of those States, such persons are also citizens of the United States.

Third. That every such citizen, residing in any State, has the right to sue and is liable to be sued in the Federal Courts, as a citizen of that State in which he resides.

Fourth. That as the plea to the jurisdiction in this case shows no facts, except that the plaintiff was of African descent, and his ancestors were sold as slaves, and as these facts are not inconsistent with his citizenship of the United States, and his residence in the State of Missouri, the plea to the jurisdiction was bad, and the judgment of the Circuit Court overruling it was correct.

I dissent, therefore, from that part of the opinion of the majority of the Court, in which it is held that a person of African descent cannot be a citizen of the United States; and I regret I must go further, and dissent both from what I deem their assumption of authority to examine the constitutionality of the act of Congress commonly called the Missouri [589] Compromise act, and the grounds and conclusions announced in their opinion.

To convert this temporary stipulation of the treaty, in behalf of French subjects who then inhabited a small portion of Louisiana, into a permanent restriction upon the power of Congress to regulate territory then uninhabited, and to assert that it not only restrains Congress from affecting the rights of property of the then inhabitants, but enabled them and all other citizens of the United States, to go into any part of the [633] ceded territory with their slaves, and hold there, is a construction of this treaty so opposed to its natural meaning, and so far beyond its subject-matter and its evident design of the parties, that I cannot assent to it. In my opinion, this treaty has no bearing on the present question.

For these reasons, I am of opinion that so much of the several Acts of Congress as prohibited slavery and involuntary servitude within that part of the territory of Wisconsin lying north of thirty-six degrees, thirty minutes north latitude, and west of the river Mississippi, were constitutional and *valid laws*.

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**DOCUMENTS RELATIVE TO
THE BANK CONTROVERSY,
1816-1833.**

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1895

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DOCUMENTS RELATIVE TO THE BANK CONTROVERSY, 1816-1833.

Of the financial controversies upon which parties have been formed and Congress rent by dissensions, the national bank question ranks next to the tariff question in importance and in bitterness. The first Bank of the United States, founded in 1791, was the object of the first great controversy over implied powers; and expired in 1811, for lack of two votes in each house. The second United States Bank, of 1816, led to the famous Supreme Court decision of *McCullough vs. Maryland* in 1819, and continued till it was destroyed in 1836 by the relentless hostility of Andrew Jackson. The third system of national banks, established in 1862, has been more successful, but is still an object of contention.

The papers printed below constitute a brief documentary history of the extraordinary controversy which was at its height from the spring of 1832 to the winter of 1833-34. The reason for Jackson's hatred of the Bank seems to have been that he was led to believe it corrupt and dangerous by people who had a prejudice against it; and he used his veto, his power of removal, and his influence among his friends to break up that connection with the government which gave it its prestige.

The documents are drawn from their official publication in the *Statutes at Large*; *Senate Documents*; *Congressional Globe*; and in *Niles's Register*, XXXIII. Discussions in H. Von Holst, *Constitutional History of the United States*, II, Ch., i.; James Schouler, *History of the United States*, IV., Ch. xiii., Sect. iii.; Ch. xiv., Sect. i.; W. G. Sumner, *Andrew Jackson*, Chs. ii-xi, xiii; James Parton, *Life of Andrew Jackson*, III., Chs. xxix, xxxi, xxxvi., xxxix; Carl Schurz, *Henry Clay*, Chs. xiii, xv, xvii.

Bibliography may be found in Justin Winsor, *Narrative and Critical History*, VII. 351; Channing and Hart, *Guide to the Study of American History*, § § 182, 184.

APRIL 10, 1816. EXTRACTS FROM THE BANK ACT.

An Act to incorporate the subscribers to the Bank of the United States.

Be it enacted That a bank of the United States of America shall be established, with a capital of thirty-five millions of dollars, divided into three hundred and fifty thousand shares, of one hundred dollars each share. . . .

SEC. 7. *And be it further enacted*, That the subscribers to the said bank of the United States of America, their successors and assigns, shall be, and are hereby, created a corporation and body politic, by the name and style of "The president, directors, and company, of the bank of the United States," and shall so continue until the third day of March, in the year one thousand eight hundred and thirty-six, and by that name shall be, and are hereby, made able and capable, in law, to have, purchase, receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects, of whatsoever kind, nature, and quality, to an amount not exceeding, in the whole, fifty-five millions of dollars, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all state courts having competent jurisdiction, and in any circuit court of the United States: and also to make, have, and use, a common seal, and the same to break, alter, and renew, at their pleasure: and also to ordain, establish, and put in execution, such by-laws, and ordinances, and regulations, as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the Constitution thereof, or to the laws of the United States; and generally to do and execute all and singular the acts, matters, and things, which to them it shall or may appertain to do; *subject, nevertheless, to the rules, regulations, restrictions, limitations, and provisions, hereinafter prescribed and declared*

SEC. 11. *Twelfth.* The bills, obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and his, her or their executors or administrators, and his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees, and his, her or their executors or administrators, to maintain an action thereupon in his, her, or their own name or names: *Provided*, That said corporation shall not make any bill obligatory, or of credit, or other obligation under its seal for the payment of a sum less than five thousand dollars. And the bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her, or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner, and with the like effect as foreign bills of exchange now are; and those which are payable to bearer shall be assignable and negotiable by delivery only: *Provided*, That all bills or notes, so to be issued by said corporation, shall be made payable on demand, other than bills or notes for the payment of a sum not less than one hundred dollars each, and payable to the order of some person or persons, which bills or notes it shall be lawful for said corporation to make payable at any time not exceeding sixty days from the date thereof.

Fifteenth. The officer at the head of the Treasury Department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a

week, with statements of the amount of the capital stock of the said corporation and of the debts due to the same ; of the moneys deposited therein ; of the notes in circulation, and of the specie in hand ; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statement : *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

SEC. 14. *And be it further enacted*, That the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress.

SEC. 15. *And be it further enacted*, That during the continuance of this act, and whenever required by the Secretary of the Treasury, the said corporation shall give the necessary facilities for transferring the public funds from place to place, within the United States, or the territories thereof, and for distributing the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange, and shall also do and perform the several and respective duties of the commissioners of loans for the several states, or of any one or more of them, whenever required by law.

SEC. 16. *And be it further enacted*, That the deposits of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct ; in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction.

SEC. 17. *And be it further enacted*, That the said corporation shall not at any time suspend or refuse payment in gold and silver, of any of its notes, bills or obligations ; nor of any moneys received upon deposit in said bank, or in any of its offices of discount and deposit.....

SEC. 20. *And be it further enacted*, That in consideration of the exclusive privileges and benefits conferred by this act, upon the said bank, the president, directors, and company thereof, shall pay to the United States, out of the corporate funds thereof, the sum of one million and five hundred thousand dollars, in three equal payments; that is to say: five hundred thousand dollars at the expiration of two years; five hundred thousand dollars at the expiration of three years; and five hundred thousand dollars at the expiration of four years after the said bank shall be organized, and commence its operations in the manner herein before provided.

SEC. 21. *And be it further enacted*, That no other bank shall be established by any future law of the United States during the continuance of the corporation hereby created, for which the faith of the United States is hereby pledged..

SEC. 23. *And be it further enacted*, That it shall, at all times, be lawful, for a committee of either house of Congress, appointed for that purpose, to inspect the books, and to examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been, by the same, violated or not; and whenever any committee, as aforesaid, shall find and report, or the President of the United States shall have reason to believe that the charter has been violated, it may be lawful for Congress to direct, or the President to order a scire facias to be sued out of the circuit court of the district of Pennsylvania, in the name of the United States, (which shall be executed upon the president of the corporation for the time being, at least fifteen days before the commencement of the term of said court,) calling on the said corporation to show cause wherefore the charter hereby granted, shall not be declared forfeited; and it shall be lawful for the said court, upon the return of the said scire facias, to examine into the truth of the alleged violation, and if such violation be made appear, then to pronounce and adjudge that the said charter is forfeited and annulled.....—*Statutes at Large*, III., 266–276.

JUNE 6, 1829. SECRETARY INGHAM TO PRESIDENT BIDDLE.

"I am fully sensible of the disposition of the bank to afford all practicable facility to the fiscal operations of the government, and the offers contained in your letters with that view are duly appreciated. As you have expressed the willingness of the bank to make the funds of the Treasury immediately available at the various points where they may be required for the approaching payment of the debt, the drafts for effecting the transfers for that object will be made to suit the convenience of the bank as far as the demands of other branches of the service will permit." And, on the 19th of June, when the business had been nearly done, he added: "I cannot close this communication without expressing the satisfaction of the department at the arrangement which the bank has made for effecting these payments in a manner so accommodating to the Treasury, and so little embarrassing to the community." And when all was over, the Secretary again expressed his gratitude and admiration.—Parton, *Life of Andrew Jackson*, III., 256-60.

DEC. 8, 1829. EXTRACT FROM JACKSON'S ANNUAL MESSAGE.

The charter of the bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I can not, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all, that it has failed in the great end of establishing a uniform and sound currency.—*Statesman's Manual*, II., 713.

DEC. 7, 1830. EXTRACT FROM JACKSON'S ANNUAL MESSAGE.

The importance of the principle involved in the inquiry whether it will be proper to recharter the bank of the United

States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen in any degree, the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank, through the agency of a bank of the United States so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such a bank with the necessary officers, as a branch of the treasury department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the government, and the expenses of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable. The states would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the bank of the United States, though issuing no paper, would check the issue of the state banks by taking their notes in deposit, and for exchange only, so long as they continue to be redeemed with specie. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions.

These suggestions are made, not so much as a recommendation, as with a view of calling the attention of Congress to the possible modifications of a system which can not continue to exist in its present form without occasional collisions with the local authorities, and perpetual apprehensions and discontent on the part of the states and the people.—*Statesman's Manual*, II., 753.

DEC. 6, 1831. EXTRACT FROM JACKSON'S
ANNUAL MESSAGE.

Entertaining the opinions heretofore expressed in relation to the bank of the United States, as at present organized, I felt it my duty, in my former messages, frankly to disclose them, in order that the attention of the legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the constitution, and subserve the public interests. Having thus conscientiously discharged a constitutional duty, I deem it proper, on this occasion, without a more particular reference to the views of the subject then expressed, to leave it for the present to the investigation of an enlightened people and their representatives.—*Statesman's Manual*, II., 765.

JULY, 1832. EXTRACTS FROM THE BANK BILL.

An act to modify and continue the act entitled "An act to incorporate the subscribers to the Bank of the United States."

Be it enacted. That the act entitled "An act to incorporate the subscribers to the Bank of the United States," approved on the tenth day of April, in the year one thousand eight hundred and sixteen, shall continue in full force and effect for the term of fifteen years from and after the period therein limited for its expiration, to wit, the third day of March, in the year one thousand eight hundred and thirty-six ;.

SEC. 4. *And be it further enacted*, That the notes or bills of the said corporation, although the same be, upon the faces thereof, respectively, made payable at one place only, shall, nevertheless, be received by the said corporation at the bank, or at any of the offices of discount and deposite thereof, if tendered in liquidation or payment of any balance or balances due to said corporation, or to such office of discount and deposite, from any other incorporated bank.

SEC. 7. *And be it further enacted*, That, in consideration of the exclusive benefits and privileges continued by this act to the said corporation for fifteen years as aforesaid, the said corporation shall pay to the United States the annuity

or yearly sum of two hundred thousand dollars ; which said sum shall be paid on the fourth day of March in each and every year, during the said term of fifteen years.

SEC. 8. *And be it further enacted*, That it shall be lawful for Congress to provide, by law, that the said bank shall be restrained, at any time after the third day of March, in the year one thousand eight hundred and thirty-six, from making, issuing, or keeping in circulation, any notes or bills of said bank, or any of its offices, of a less sum or denomination than twenty dollars.....—*Senate Journal*, 22 Cong., 1 Sess., pp. 45 1-3.

JULY 10, 1832. EXTRACTS FROM JACKSON'S VETO MESSAGE.

A bank of the United States is in many respects, convenient for the government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the constitution, subversive of the rights of the states, and dangerous to the liberties of the people, I felt it my duty, at an early period of my administration, to call the attention of Congress to the practicability of organizing an institution combining all its advantages, and obviating these objections. I sincerely regret that, in the act before me, I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the constitution of our country.

Every monopoly, and all exclusive privileges, are granted at the expense of the public, which ought to receive a fair equivalent. The many millions which this act proposes to bestow on the stockholders of the existing bank must come directly or indirectly out of the earnings of the American people. It is due to them, therefore, if their government sell monopolies and exclusive privileges, that they should at least exact for them as much as they are worth in open market. The value of the monopoly in this case may be correctly ascertained. The twenty-eight millions of stock would probably be at an advance of fifty per cent., and command in market at least forty-two millions of dollars, sub-

ject to the payment of the present bonus. The present value of the monopoly, therefore, is seventeen millions of dollars, and this the act proposes to sell for three millions, payable in fifteen annual instalments of two hundred thousand dollars each.

It is not conceivable how the present stockholders can have any claim to the special favor of the government. The present corporation has enjoyed its monopoly during the period stipulated in the original contract. If we must have such a corporation, why should not the government sell out the whole stock, and thus secure to the people the full market value of the privileges granted? Why should not Congress create and sell twenty-eight millions of stock, incorporating the purchasers with all the powers and privileges secured in this act, and putting the premium upon the sales into the treasury.....

It has been urged as an argument in favor of rechartering the present bank, that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample; and if it has been well managed, its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own: and it would furnish a reason against renewing a power which has been so obviously abused. But will there ever be a time when this reason will be less powerful? To acknowledge its force, is to admit that the bank ought to be perpetual; and, as a consequence, the present stockholders, and those inheriting their rights as successors, be established a privileged order, clothed both with great political power, and enjoying immense pecuniary advantages from their connexion with the government.

The modifications of the existing charter, proposed by this act, are not such, in my view, as make it consistent with the rights of the states or the liberties of the people.....

Is there no danger to our liberty and independence in a bank, that in its nature has so little to bind it to our country? The president of the bank has told us that most of the state banks exist by its forbearance. Should its influence become *concentred*, as it may under the operation of such an act as

this, in the hands of a self-elected directory, whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace, and for the independence of our country in war? Their power would be great whenever they might choose to exert it; but if this monopoly were regularly renewed every fifteen or twenty years, on terms proposed by themselves, they might seldom in peace put forth their strength to influence elections or control the affairs of the nation. But if any private citizen or public functionary should interpose to curtail its powers, or prevent a renewal of its privileges, it can not be doubted that he would be made to feel its influence.

Should the stock of the bank principally pass into the hands of the subjects of a foreign country, and we should unfortunately become involved in a war with that country, what would be our condition? Of the course which would be pursued by a bank almost wholly owned by the subjects of a foreign power, and managed by those whose interests, if not affections, would run in the same direction, there can be no doubt. All its operations within, would be in aid of the hostile fleets and armies without. Controlling our currency, receiving our public moneys, and holding thousands of our citizens in dependence, it would be more formidable and dangerous than the naval and military power of the enemy. . . .

It is maintained by the advocates of the bank, that its constitutionality, in all its features, ought to be considered as settled by precedent, and by the decision of the supreme court. To this conclusion I can not assent. Mere precedent is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power, except where the acquiescence of the people and the states can be considered as well settled. So far from this being the case on this subject, an argument against the bank might be based on precedent. One Congress, in 1791, decided in favor of a bank; another, in 1811, decided against it. One Congress, in 1815, decided against a bank; another, in 1816, decided in its favor. Prior to the present Congress, therefore, the precedents drawn from that source were equal. If we resort to the states, the expressions of legislative, judicial, and executive opinions against the bank have been probably to those

in its favor, as four to one. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor of the act before me.

If the opinion of the supreme court covered the whole ground of this act, it ought not to control the co-ordinate authorities of this government. The Congress, the executive, and the court, must each for itself be guided by its own opinion of the constitution. Each public officer, who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others. It is as much the duty of the house of representatives, of the senate, and of the president, to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the supreme judges when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and, on that point, the president is independent of both. The authority of the supreme court must not, therefore, be permitted to control the Congress or the executive, when acting in their legislative capacities, but to have only such influence as the force of their reasoning may deserve.

But in the case relied upon, the supreme court have not decided that all the features of this corporation are compatible with the constitution.....

It can not be *necessary* to the character of the bank as a fiscal agent of the government, that its private business should be exempted from that taxation to which all the state banks are liable; nor can I conceive it "*proper*" that the substantive and most essential powers reserved by the states shall be thus attacked and annihilated as a means of executing the powers delegated to the general government. It may be safely assumed that none of those sages who had an agency in forming or adopting our constitution, ever imagined that any portion of the taxing power of the states, not prohibited to them nor delegated to Congress, was to be *swept away* and annihilated as a means of executing certain *powers delegated to Congress*.....

Suspensions are entertained, and charges are made, of gross

abuse and violation of its charter. An investigation unwillingly conceded, and so restricted in time as necessarily to make it incomplete and unsatisfactory, disclosed enough to excite suspicion and alarm. In the practices of the principal bank partially unveiled, in the absence of important witnesses, and in numerous charges confidently made, and as yet wholly uninvestigated, there was enough to induce a majority of the committee of investigation, a committee which was selected from the most able and honorable members of the house of representatives, to recommend a suspension of further action upon the bill, and a prosecution of the inquiry. As the charter had yet four years to run, and as a renewal now was not necessary to the successful prosecution of its business, it was to have been expected that the bank itself, conscious of its purity, and proud of its character, would have withdrawn its application for the present, and demanded the severest scrutiny into all its transactions. In their declining to do so, there seems to be an additional reason why the functionaries of the government should proceed with less haste and more caution in the renewal of their monopoly.....

I have now done my duty to my country. If sustained by my fellow-citizens, I shall be grateful and happy; if not, I shall find in the motives which impel me, ample grounds for contentment and peace. In the difficulties which surround us, and the dangers which threaten our institutions there is cause for neither dismay nor alarm. For relief and deliverance, let us firmly rely on that kind Providence which, I am sure, watches with peculiar care over the destinies of our republic, and on the intelligence and wisdom of our countrymen. Through his abundant goodness, and their patriotic devotion, our liberty and Union will be preserved.—*Statesman's Manual*, II., 767-80; *Congressional Register*, 41, 365-368.

DEC. 4, 1832. EXTRACT FROM JACKSON'S
ANNUAL MESSAGE.

In conformity with principles heretofore explained, and with the hope of reducing the general government to that simple machine which the constitution created, and of withdrawing from the states all other influence than that of its

universal beneficence in preserving peace, affording a uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging unfelt its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the general or state governments, and placing the proceeds in the treasury. As a source of profit, these stocks are of little or no value; as a means of influence among the states, they are adverse to the purity of our institutions. The whole principle on which they are based is deemed by many unconstitutional, and to persist in the policy which they indicate is considered wholly inexpedient.

It is my duty to acquaint you with an arrangement made by the bank of the United States with a portion of the holders of the three per cent. stock, by which the government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the secretary of the treasury, a surrender of the certificates of this stock may be postponed until October, 1833; and thus the liability of the government, after its ability to discharge the debt, may be continued by the failure of the bank to perform its duties.

Such measures as are within the reach of the secretary of the treasury have been taken, to enable him to judge whether the public deposits in that institution may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which, if true, may justly excite the apprehension that it is no longer a safe depository of the money of the people.—*Statesman's Manual*, II., 787.

MARCH 2, 1833. HOUSE RESOLUTION ON THE
DEPOSITS.

Resolved, That the Government deposits may, in the opinion of the House, be safely continued in the Bank of the

United States.—Yeas 109, Nays 46.—*Register of Debates*, IX., 1922, 1936.

SEPT. 18, 1833. EXTRACTS FROM "PAPER READ TO THE CABINET."

Having carefully and anxiously considered all the facts and arguments which have been submitted to him, relative to a removal of the public deposits from the Bank of the United States, the President deems it his duty to communicate in this manner to his Cabinet the final conclusions of his own mind, and the reasons on which they are founded, in order to put them in durable form, and to prevent misconceptions.

The President's convictions of the dangerous tendencies of the Bank of the United States, since signally illustrated by its own acts, were so overpowering when he entered on the duties of Chief Magistrate, that he felt it his duty, notwithstanding the objections of the friends by whom he was surrounded, to avail himself of the first occasion to call the attention of Congress and the people to the question of its recharter.....

Although the charter was approaching its termination, and the bank was aware that it was the intention of the Government to use the public deposit as fast as it has accrued, in the payment of the public debt, yet did it extend its loans from January, 1831, to May, 1832, from \$42,402,304.24 to \$70,428,070.72, being an increase of \$28,025,766.48 in sixteen months. It is confidently believed that the leading object of this immense extension of its loans was to bring as large a portion of the people as possible under its power and influence; and it has been disclosed that some of the largest sums were granted on very unusual terms to the conductors of the public press. In some of these cases the motive was made manifest by the nominal or insufficient security taken for the loans, by the large amounts discounted, by the extraordinary time allowed for payment, and especially by the subsequent conduct of those receiving the accommodations.

Having taken these preliminary steps to obtain control over public opinion, the bank came into Congress and asked a new charter. The object avowed by many of the advocates of the bank was to put the President to the test, that the

country might know his final determination relative to the bank prior to the ensuing election. Many documents and articles were printed and circulated at the expense of the bank, to bring the people to a favorable decision upon its pretensions. Those whom the bank appears to have made its debtors for the special occasion were warned of the ruin which awaited them should the President be sustained, and attempts were made to alarm the whole people by painting the depression in the price of property and produce, and the general loss, inconvenience, and distress, which it was represented would immediately follow the reelection of the President in opposition to the bank.

Can it now be said that the question of a recharter of the bank was not decided at the election which ensued? Had the veto been equivocal, or had it not covered the whole ground—if it had merely taken exceptions to the details of the bill, or to the time of its passage—if it had not met the whole ground of constitutionality and expediency, then there might have been some plausibility for the allegation that the question was not decided by the people. It was to compel the President to take his stand that the question was brought forward at that particular time. He met the challenge, willingly took the position into which his adversaries sought to force him, and frankly declared his unalterable opposition to the bank as being both unconstitutional and inexpedient. On that ground the case was argued to the people; and now that the people have sustained the President, notwithstanding the array of influence and power which was brought to bear upon him, it is too late, he confidently thinks, to say that the question has not been decided. Whatever may be the opinions of others, the President considers his reelection as a decision of the people against the bank. In the concluding paragraph of his veto message, he said :

* * * * *

It is but a little more than two and a half years to the termination of the charter of the present bank. It is considered as the decision of the country that it shall then cease to exist, and no man, the President believes, has reasonable ground for expectation that any other Bank of the United States will be created by Congress. To the Treasury Depart-

ment is intrusted the safe-keeping and faithful applications of the public moneys. A plan of collection different from the present must therefore be introduced and put in complete operation, before the dissolution of the present bank.....

It is for the wisdom of Congress to decide upon the best substitute to be adopted in the place of the Bank of the United States, and the President would have felt himself relieved from a heavy and painful responsibility if, in the charter to the bank, Congress had reserved to itself the power of directing, at its pleasure, the public money to be elsewhere deposited, and had not devolved that power exclusively on one of the executive departments. It is useless now to inquire why this high and important power was surrendered by those who are peculiarly and appropriately the guardians of the public money. Perhaps it was an oversight. But as the President presumes that the charter to the bank is to be considered as a contract on the part of the Government, it is not now in the power of Congress to disregard its stipulations; and by the terms of that contract the public money is to be deposited in the bank during the continuance of its charter, unless the Secretary of the Treasury shall otherwise direct. Unless, therefore, the Secretary of the Treasury first acts, Congress have no power over the subject, for they cannot add a new clause to the charter, or strike one out of it, without the consent of the bank, and consequently the public money must remain in that institution to the last hour of its existence, unless the Secretary of the Treasury shall remove it at an earlier day. The responsibility is thus thrown upon the Executive branch of the Government of deciding how long before the expiration of the charter the public interest will require the deposits to be placed elsewhere. And although, according to the frame and principle of our Government, this decision would seem more properly to belong to the legislative power, yet as the law has imposed it upon the Executive Department, the duty ought to be faithfully and firmly met * * * ; it being the duty of one of the executive departments to decide in the first instance, subject to the future action of the legislative power, whether the public deposits shall remain in the Bank of the United States until the end of its existence, or be withdrawn some time before, the President has felt himself

bound to examine the question carefully and deliberately, in order to make up his judgment on the subject: and in his opinion the near approach of the termination of the charter, and the public considerations heretofore mentioned, are of themselves amply sufficient to justify the removal of the deposits without reference to the conduct of the bank, or their safety in its keeping. * * * *

In conclusion, the President must be permitted to remark that he looks upon the pending question as of higher consideration than the mere transfer of a sum of money from one bank to another. Its decision may affect the character of our Government for ages to come. Should the bank be suffered longer to use the public moneys in the accomplishment of its purposes, with the proofs of its faithlessness and corruption before our eyes, the patriotic among our citizens will despair of success in struggling against its power, and we shall be responsible for entailing it upon our country forever. Viewing it as a question of transcendent importance, both in the principles and consequences it involves, the President could not, in justice to the responsibility which he owes to the country, refrain from pressing upon the Secretary of the Treasury his view of the considerations which impel to immediate action. Upon him has been devolved, by the Constitution and the suffrages of the American people, the duty of superintending the operation of the executive departments of the Government, and seeing that the laws are faithfully executed. In the performance of this high trust it is his undoubted right to express to those whom the laws and his own choice have made his associates in the administration of the Government, his opinion of their duties under circumstances as they arise. It is this right which he now exercises. Far be it from him to expect or require that any member of the Cabinet should, at his request, order, or dictation, do any act which he believes unlawful, or in his conscience condemns. From them, and from his fellow-citizens in general, he desires only that aid and support which their reason approves and their conscience sanctions.

In the remarks he has made on this all-important question, *he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the President has formed on a measure of great national interest,*

deeply affecting the character and usefulness of his Administration, and not a spirit of dictation, which the President would be as careful to avoid as ready to resist. Happy will he be if the facts now disclosed produce uniformity of opinion and unity of action among the members of the Administration.

The President again repeats that he begs his Cabinet to consider the proposed measure as his own, in the support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise, without which all will unite in saying that the blood and treasure expended by our forefathers in the establishment of our happy system of Government will have been vain and fruitless. Under these convictions he feels that a measure so important to the American people cannot be commenced too soon, and he therefore names the first day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State banks can be made.

ANDREW JACKSON.

—*Congressional Globe*, 1833-35, I., 59-62.

SEPT. 26, 1833. ORDER FOR REMOVAL OF
DEPOSITS.

SIR: Believing that the public interest requires that the Bank of the United States should cease to be the depository of the money of the United States, I have determined to use the State banks as places of deposits; and have selected for that purpose, in the city of Philadelphia, the Girard Bank.

You will, therefore, present the enclosed draft of a contract to that bank; and, upon the execution of the contract, you will forward it to this department. You will ask the aid of the District Attorney of the United States, who will see that the contract is executed in due form under the corporate seal. The contract being executed, you will then deposit all of the public money which may come to your hands after the thirtieth day of this present month of September, in the bank above mentioned, until the further order of this de-

partment. You will also deposite in the said bank, for collection, all the bonds which may hereafter be taken for the payment of duties.

You will also call on the Bank of the United States at Philadelphia, and receive from it all bonds hereafter given to the United States, which are payable on or after the first day of October next, and depositethem for collection in the aforesaid State bank. I send you, herewith, an order on the Bank of the United States for that purpose.

When the contract shall have been executed by the State bank, you will forward the enclosed letters to the collectors, at Bridgetown, Burlington, Great Egg harbor, and Little Egg harbor, who have heretofore deposited the money received by them in the Bank of the United States.

You will continue to deposite as usual, in the Bank of the United States, until the thirtieth of this present month of September, inclusive.

You will keep a copy of the contract executed by the bank, and, from time to time, advise this department of any thing you may deem material to the public interest, connected with the change of the deposites.

Your obedient servant,

R. B. TANEY,

Secretary of the Treasury.

TO JAMES N. BARKER, ESQ.,

Collector, Philadelphia.

—*Senate Documents*, 23 Cong., Sess. I., No. 2, pp. 32-33.

DEC. 3, 1833. EXTRACTS FROM TANEY'S STATEMENT OF REASONS.

To the Honorable Hugh L. White,

President pro tempore of the Senate.

Sir: In pursuance of the power reserved to the Secretary of the Treasury, by the act of Congress entitled "An act to incorporate the subscribers to the Bank of the United States," I have directed that the deposites of the money of *the United States* shall not be made in the said bank or *branches thereof*, but in certain State banks which have *been designated* for that purpose; and I now proceed to lay

before Congress the reasons which induced me to give this order and direction.....

The language of the law, therefore, and the usage and practice of the Government under it, establish the following principles:

1st. That the power of removal was intended to be reserved exclusively to the Secretary of the Treasury; and that, according to the stipulations in the charter, Congress could not direct it to be done.

2d. That the power reserved to the Secretary of the Treasury does not depend for its exercise merely on the safety of the public money in the hands of the bank, nor upon the fidelity with which it has conducted itself; but he has the right to remove the deposits, and it is his duty to remove them, whenever the public interest or convenience will be promoted by the change.

Taking these two principles as unquestionable, I proceed to state the reasons which induced me to believe that it was necessary for the interest and the convenience of the people that the Bank of the United States should cease to be the depository of the public money.

The charter of the bank will expire, according to the existing law on the subject, on the 3d of March, 1836; and, for two years after the termination of the charter, it is authorized to use the corporate name for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, but not for any other purpose. It is the duty of the executive departments of the Government to exercise the powers conferred on them, and to regulate the discretion confided to them, according to the existing laws, and they cannot be allowed to speculate on the chances of future changes by the legislative authority.....

It is very evident that the bank has no claim to renewal, founded on the justice of Congress; for, independently of the many serious and insurmountable objections which its own conduct has furnished, it cannot be supposed that the grant to this corporation of exclusive privileges, at the expense of the rest of the community, for twenty years, can give it a right to

demand the still further enjoyment of its profitable monopoly. Neither could I act upon the assumption that the public interest required the recharter of the bank, because I am firmly persuaded that the law which created this corporation, in many of its provisions, is not warranted by the constitution, and that the existence of such a powerful moneyed monopoly is dangerous to the liberties of the people, and to the purity of our political institutions.

The manifestations of public opinion, instead of being favorable to a renewal, have been decidedly to the contrary; and I have always regarded the result of the last election of President of the United States as the declaration of a majority of the people, that the charter ought not to be renewed.....

In this view of the subject, it would be highly injudicious to suffer the deposits to remain in the Bank of the United States until the close of its corporate existence: and as they cannot be withdrawn without the action of the Secretary of the Treasury, it must unavoidably become his duty, at some period of time, to exercise the power of removal. Laying aside, therefore, for the present, all the considerations which the misconduct of the bank has furnished, the question presented to this department was, how long could the removal be delayed consistently with the public interests? It is a question of *time* only. The duty must be performed at some period, and could not be altogether omitted, without justly incurring a heavy responsibility to the community for all the consequences that might follow: and it is, I think, apparent that the measure was delayed as long as was compatible with the interests of the people of the United States. * * * And, upon this view of the subject, the following propositions appear to be fully maintained.

1st. That the bank, being the fiscal agent of the Government in the duties which the law requires it to perform, is liable to all the responsibilities which attach to the character of agent, in ordinary cases of principal and agent among *individuals*; and it is, therefore, the duty of the officer of the *Government to whom the power has been entrusted, to withdraw from its possession the public funds, whenever its*

conduct towards its principal has been such as would induce a prudent man, in private life, to dismiss his agent from his employment.

2d. That, by means of its exchange committee, it has so arranged its business as to deprive the public servants of those opportunities of observing its conduct, which the law had provided for the safety of the public money confided to its care ; and that there is sufficient evidence to show that this arrangement, on the part of the bank, was deliberately planned, and is still persisted in, for the purpose of concealment.

3d. That it has also, in the case of three per cent. stock, and of the bill of exchange on France, endeavored, unjustly, to advance its own interests, at the expense of the interests and the just rights of the people of the United States.

If these propositions be established, it is very clear that a man of ordinary prudence, in private life, would withdraw his funds from an agent who had thus behaved himself in relation to his principal ; and it follows, that it was the duty of the Secretary of the Treasury, on that account, to withdraw the funds of the United States from the bank.

4th. That there is sufficient evidence to show that the bank has been, and still is, seeking to obtain political power, and has used its money for the purpose of influencing the election of the public servants, and it was incumbent upon the Secretary of the Treasury, on that account, to withdraw from its possession the money of the United States which it was thus using for improper purposes. Upon the whole, I have felt myself bound, by the strongest obligations, to remove the deposits. The obligation was imposed upon me by the near approach of the time when this corporation will cease to exist, as well as by the course of conduct which it has seen fit to pursue.....

These considerations need not, however, be pressed further in this report. They are too obvious and striking to need enforcement by argument ; and I rely with confidence on the representatives of this enlightened nation to sustain a measure which the best interests of the country called for, and which had become absolutely necessary to preserve, untainted, its

free institutions, and to secure the liberties and happiness of the people.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

R. B. TANEY,

Secretary of the Treasury.

—*Senate Documents*, 23 Cong., 1 Sess., (1834-35) 1., No. 2. pp. 1-20.

DEC. 3, 1833. EXTRACTS FROM JACKSON'S
ANNUAL MESSAGE.

Since the last adjournment of Congress, the secretary of the treasury has directed the money of the United States to be deposited in certain state banks, designated by him, and he will immediately lay before you his reasons for this direction. I concur with him entirely in the view he has taken of the subject; and some months before the removal, I urged upon the department the propriety of taking that step. The near approach of the day on which the charter will expire, as well as the conduct of the bank, appeared to me to call for this measure, upon the high considerations of public interest and public duty. The extent of its misconduct, however, although known to be great, was not at the time fully developed by proof. It was not until late in the month of August, that I received from the government directors an official report, establishing beyond question that this great and powerful institution had been actively engaged in attempting to influence the elections of the public officers by means of its money; and that, in violation of the express provisions of its charter, it had by a formal resolution placed its funds at the disposition of its president, to be employed in sustaining the political power of the bank. A copy of this resolution is contained in the report of the government directors before referred to; and however the objects may be disguised by cautious language, no one can doubt that this money was in *truth intended* for electioneering purposes, and the particular *uses to which* it was proved to have been applied, abundantly show that it was so understood. Not only was the

evidence complete, as to the past application of the money and power of the bank to electioneering purposes, but that the resolution of the board of directors authorized the same course to be pursued in future.

It being thus established by unquestionable proof that the bank of the United States was converted into a permanent electioneering engine, it appeared to me that the path of duty which the executive department of the government ought to pursue was not doubtful. As by the terms of the bank charter, no officer but the secretary of the treasury could remove the deposits, it seemed to me that this authority ought to be at once exerted to deprive that great corporation of the support and countenance of the government, in such a use of its funds and such an exertion of its power. In this point of the case the question is distinctly presented, whether the people of the United States are to govern through representatives chosen by their unbiased suffrages, or whether the power and money of a great corporation are to be secretly exerted to influence their judgment and control their decisions. It must now be determined whether the bank is to have its candidates for all officers in the country, from the highest to the lowest, or whether candidates on both sides of political questions shall be brought forward as heretofore, and supported by the usual means.

At this time the efforts of the bank to control public opinion through the distresses of some and the fears of others, are equally apparent, and if possible more objectionable. By a curtailment of its accommodations, more rapid than any emergency requires, and even while it retains specie to an almost unprecedented amount in its vaults, it is attempting to produce great embarrassment in one portion of the community, while through presses known to have been sustained by its money, it attempts by unfounded alarms to create a panic in all.

These are the means by which it seems to expect that it can force a restoration of the deposits, and, as a necessary consequence, extort from Congress a renewal of its charter. I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed, and that through the increased accommodations which the state banks have been enabled to afford, no public distress has

followed the exertions of the bank ; and it can not be doubted that the exercise of its power and the expenditure of its money, as well as its efforts to spread groundless alarm, will be met and rebuked as they deserve. In my own sphere of duty, I should feel myself called on by the facts disclosed, to order a *scire facias* against the bank, with a view to put an end to the chartered rights it has so palpably violated, were it not that the charter itself will expire as soon as a decision would probably be obtained from the court of last resort.....

Although I may not always be able to concur in the views of the public interest or the duties of its agents, which may be taken by the other departments of the government, or either of its branches, I am, notwithstanding, wholly incapable of receiving, otherwise than with the most sincere respect, all opinions or suggestions proceeding from such a source ; and in respect to none am I more inclined to do so, than to the house of representatives. But it will be seen from the brief views at this time taken of the subject by myself, as well as the more ample ones presented by the secretary of the treasury, that the change in the deposits which has been ordered, has been deemed to be called for by considerations which are not affected by the proceedings referred to, and which, if correctly viewed by that department, rendered its act a matter of imperious duty.

Coming, as you do, for the most part, immediately from the people and the states, by election, and possessing the fullest opportunity to know their sentiments, the present Congress will be sincerely solicitous to carry into full and fair effect the will of their constituents in regard to this institution. It will be for those in whose behalf we all act, to decide whether the executive department of the government, in the steps which it has taken on this subject, has been found in the line of its duty.—*Statesman's Manual*, II., 837-9.

DEC. 2. 1834. EXTRACT FROM JACKSON'S
ANNUAL MESSAGE.

Circumstances make it my duty to call the attention of Congress to the bank of the United States. Created for the

convenience of the government, that institution has become the scourge of the people. Its interference to postpone the payment of a portion of the national debt, that it might retain the public money appropriated for that purpose, to strengthen it in a political contest; the extraordinary extension and contraction of its accommodations to the community; its corrupt and partisan loans; its exclusion of the public directors from a knowledge of its most important proceedings; the unlimited authority conferred on the president to expend its funds in hiring writers, and procuring the execution of printing, and the use made of that authority; the retention of the pension money and books after the selection of new agents; the groundless claim to heavy damages, in consequence of the protest of the bill drawn on the French government, have, through various channels, been laid before Congress. Immediately after the close of the last session, the bank, through its president, announced its ability and readiness to abandon the system of unparalleled curtailment, and the interruption of domestic exchanges, which it had practiced upon from the 1st of August, 1833, to the 30th of June, 1834, and to extend its accommodations to the community. The grounds assumed in this renunciation amounted to an acknowledgment that the curtailment, in the extent to which it had been carried, was not necessary to the safety of the bank, and had been persisted in merely to induce Congress to grant the prayer of the bank in its memorial relative to the removal of the deposits, and to give it a new charter. They were substantially a confession that all the real distresses which individuals and the country had endured for the preceding six or eight months had been needlessly produced by it, with the view of affecting, through the sufferings of the people, the legislative action of Congress. It is a subject of congratulation that Congress and the country had the virtue and firmness to bear the affliction; that the energies of our people soon found relief from this wanton tyranny, in vast importations of the precious metals from almost every part of the world; and that, at the close of this tremendous effort to control our government, the bank found itself powerless, and no longer able to loan out its surplus means. The community had learned to manage its affairs without its assistance, and trade had already found new auxiliaries; so

that, on the 1st of October last, the extraordinary spectacle was presented of a national bank, more than one half of whose capital was either lying unproductive in its vaults, or in the hands of foreign bankers.—*Statesman's Manual*, II., 875.

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